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THE HASTINGS COMMUNITY

Spring 1983
Vol. XXVIII No. 2

Eminence by Age

Hastings' 65 Club

The following article is excerpted from Hastings College of the Law: The First Century, chapter thirteen, by Thomas Garden Barnes. The book was written to chronicle and celebrate the first century of Hastings. The book was published by UC Hastings College of the Law in 1978. All rights reserved.

In many a law school over the past two decades those bitter-sweet affairs called retirement dinners, at which younger (sometimes not by much) colleagues bid goodbye to an eminent professor about to become emeritus, are enlivened by a little ditty. All join in lustily, some in tune, to the air of "Over the Hills to the Poorhouse":

*I'm approaching the date of retirement,
Next year on July twenty-nine;
A statutory requirement,
For few die, and none will resign.
I'm tired, and weary of teaching,
Worn down by the ultimate straw;
I'm hopeful I soon will be reaching
The Hastings College of Law,*

*Where nobody reads any cases,
And nobody does any chore,
And life is all lovely and lazy,
And nobody works any more.
There days go by without number
Like lilies afloat on a stream,
And no one's disturbing your slumber,
Or interrupting your dream.
No problems are ever suggested,
In quandaries no one is mired,
And quiet is requested
For those who have retired,
There nobody reads any cases,
And nobody does any chore;
It's over the hill to Hastings
Where nobody works any more.*

*The process of daily digestion
Goes on without any surcease,
And no one proposes a question
Infringing that infinite peace.
In offices tasteful and cozy,
The faculty all take their rest;
And everything's golden and rosy
In that paradise out in the west,
Where nobody reads any cases,
And nobody does any chore;
It's over the hill to Hastings,
Where nobody works any more*

The Greeks said that one could not be a poet without some foolishness; the same can be said of the dean of a major law school. The poet here qualified on both counts: William L. Prosser, who went over the hill to Hastings in 1963.

Paradise Hastings might be, but a retirement home it was not. That unique institution, Hastings' 65 Club, has been constituted of superannuated but not retired professors. For over four decades, the 65 Club has provided Hastings with one of the most distinguished faculties in any American law school. For two decades these professors, ranging in age from 65 to 86, bore the brunt of teaching in the College. They revolutionized the program and curriculum. They brought almost instant fame to the College. Though for the past several years the instructional role of the 65 Club has been reduced, these seniors of the profession still provide Hastings with eminence by age.

In May 1942, Dean David Snodgrass attended the American Law Institute meeting in Philadelphia specifically to talk to the deans of Harvard, Yale, Pennsylvania, and Columbia about future staff for Hastings; the implication was that he was looking for younger, recent graduates of these institutions. In itself, Snodgrass' mission was significant. He was desirous of increasing the full-

time faculty at Hastings and he wanted lawyers of a more academic type than the available pool of San Francisco practitioners provided. The GI deluge beginning in 1946, coupled with a general shortage of teachers and the hot competition for them by all the rapidly expanding law schools, persuaded Snodgrass that the College's full-time faculty should be recruited almost exclusively from 65ers.

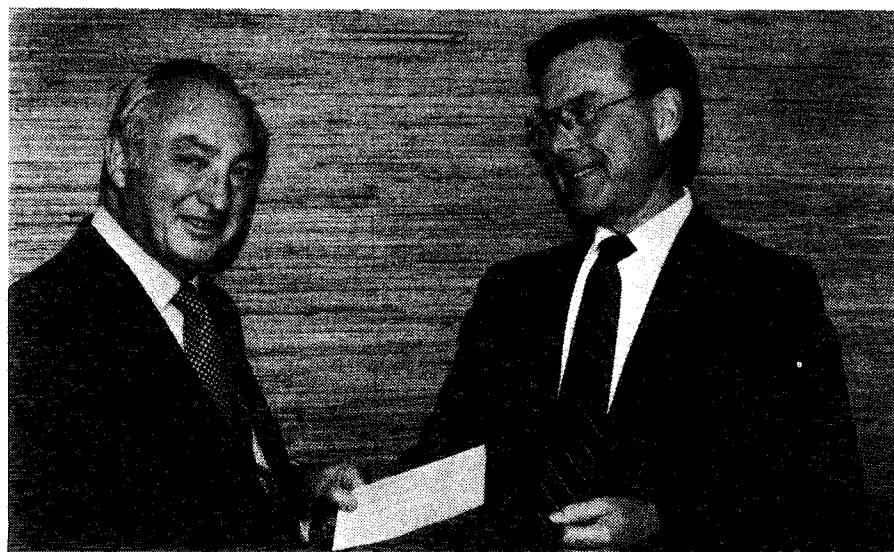
The two decades' ascendancy of the 65 Club began in 1951-52. From then until academic 1972-73, never less than 50 percent and as much as 90 percent of instruction was provided by 65ers. During the two decades of 65 Club ascendancy, the average teaching load of a 65er was 7.7 hours per week; it was never less than 6.4, and in 1954-55 it went as high as 10.4 hours. Taking into account that at the beginning of the period the average teaching load at a major law school was about 12 hours per week, and that this declined rapidly over the 1960s to about 9 hours, the Hastings 65er's 7.7 hours perhaps left time for "daily digestion," but didn't quite come up to Bill Prosser's wishful "nobody works any more".

All of the Club continued teaching because they champed at the bit of enforced retirement. In many academic disciplines, retirement is often welcomed as an opportunity to continue research, or to finish off the last big work of a career and a lifetime, unhampered by the daily routine of classes. In American academic law, scholarship is closely linked with teaching. Where in the humanities or the social sciences the

major scholarly output of the researcher is to be found in the monograph or super-monograph, the law professor has three principal vehicles for scholarly activity of roughly equal importance: learned articles in law reviews; scholarly contributions to restatements of the law, to drafting of model codes and similar legislation, and to governmental commissions dealing with legal problems; and texts and casebooks. Of these, the latter two almost demand activity as a teacher. Texts and casebooks are often important contributions to scholarship, but they begin as teaching tools, and rarely has an academic lawyer involved in restatement of the law or code-drafting not found the thrust and parry of the classroom a valuable means for defining ideas and even for refining language used in the work. This is not to argue that the humanities or social sciences professor does not need teaching to undertake research. (He does, rather more than he is likely to be aware of.) It is to indicate that the law professor's scholarship relies less on the massive acquisition of data than on constant stimulation of ideas and remaining wholly up-to-date with — even ahead of — rapidly changing legal developments, and that the best way to maintain this grasp is to be bent to the discipline of conveying the law to students. With such an intimate link between teaching and scholarship in the law, forcing retirement at an arbitrary age not only can cost the classroom an experienced

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\$500,000 Gift for Tower



Walter Shorenstein presenting check to Dean Bert Prunty

Hastings has received a \$500,000 gift through the efforts of San Francisco real estate developer Walter Shorenstein, a former president of the Hastings Law Center Foundation. The gift was from Shorenstein's Milton Meyer Company, the Bechtel Group, and Metropolitan Mutual Life Insurance Company.

While the gift was made without restrictions by the donors, Dean Bert S. Prunty announced that it would be used for further renovation of areas within the McAllister Tower project. The Tower, formerly an apartment-hotel complex built in 1929, has become Hastings' first-ever student housing project.

Additional spaces within the Tower will be used for faculty housing, a 1,500-seat auditorium, a gymnasium, meeting

rooms and a student reading and recreation room.

Dean Prunty, in receiving the check from Mr. Shorenstein, said that "This gift is but the latest of many acts of generosity and commitment to the college by Walter Shorenstein. It is entirely the result of his efforts on behalf of Hastings, and we are all deeply indebted.

"The development of McAllister Tower is already having a marked impact on the surrounding area. It is beneficial to the college, to the neighborhood, and to the city. Completion of the Tower project is the college's highest development priority, and this gift will, we hope, inspire other San Francisco corporations and foundations to help us complete this important undertaking." ■

Moot Court Teams Triumph

This year's moot court teams are representing Hastings with distinction. *The National Moot Court Team* — Brad Hill, Mark Schallert and Joseph Schilling — took first place overall in the western regional competition in November, defeating Stanford in the quarterfinals, USF in semifinals and UCLA in the final round.

The national team then moved on to the National Finals in New York, and were one of only six undefeated teams in the preliminary rounds. The team's brief placed sixth in the nation, and their overall ranking was ninth.

The Hastings team in the *Philip C. Jessup International Law Competition* was made up of Ellen Berk, Christina Harrington, Scott Hammel, Jennifer O'Connor and Greg Peterson. With Christina Harrington being awarded third oralist recognition, the team placed second overall in the western regional competition in March.

Another winning team was Hastings' entry in the *Frederick Douglass Moot Court Competition*: Mary Aou, Jane Yee Armstrong, Sheryl Beasley, Suzanne Kusaba, Kenneth Norman and Ralph Wheller. Divided into three teams, the Hastings contingent placed first and third overall, and placed first in brief, in the western regional competition in February. They compete in the National Finals in Atlanta later this month.

Upcoming competitions include the *Roger Traynor Moot Court Competition*, April 15-16, with David Mintz, Kathleen Proctor and Kevin Romano representing Hastings; and the *A.B.A. National Appellate Advocacy Competition* on the same dates, with Jeff Coplin, Tom Daniel, Gideon Mark and Phil Wojdak making up the Hastings teams.

Congratulations to all the above, and to Hastings' 1983-84 *National Moot Court Team* Harry Dorfman, Christina Harrington and Barbara Jean Orr. ■



Hastings moot court teams members, left to right: Greg Peterson, Ralph Wheeler, Brad Hill, Scott Hammel, Christina Harrington, Ellen Berk, Mary Aou, Joseph Schilling, Phil Wojdak, Jennifer O'Connor, Kenneth Norman, Sheryl Beasley and Phil's dog, Tokien.

FROM THE DEAN

Personal Impressions of China

Last July I received a letter from former United States Attorney General Benjamin Civiletti, who is now in private practice in Washington, D.C. The letter was an invitation to join Mr. Civiletti and a small group of legal professionals in a visit to China, at the invitation of the Ministry of Justice of the People's Republic. Arrangements with the Chinese officials were made through the People-to-People program in Spokane, Washington. The visit would begin on October 1 and last three weeks. After limited consultation with colleagues and bankers, we decided to accept. I say "we" because each delegate was allowed to bring one adult family member and in my case, of course, that was Lois.

After the usual China Trip Process of accumulating a portable drug store and a number of acceptable gifts, we went to Seattle for a day of briefing by experts on protocol. It was there that we first met the others in the group of nine delegates and three wives. The three West Coast delegates were all San Franciscans: Kurt Melchior, Charles Renfrew and myself. In addition to Mr. Civiletti, the other delegates included the general counsel and vice president of a major American corporation with Far East interests, a New York expert on international trade and customs matters, and the senior partners of three law firms in Texas and Arizona. It was a varied and stimulating group in which the three women added more than a share of constructive input as well as welcome relief from the monotony of legal perspective. Their innovative comments and questions were particularly welcomed by our Chinese hosts; and their interests in some of the broader aspects of Chinese life helped us all to learn more than would have been true otherwise.

Our extensive briefing dealt primarily with matters of courtesy and protocol and with the special opportunities and responsibilities associated with our unique status under the sponsorship of the Ministry of Justice of the People's Republic. Although our itinerary was not then released by the Ministry, we did know we would first go to the capital city of Beijing and we were told we would receive very special consideration throughout our visit. We certainly did!

The first leg of the trip was aboard an American carrier to Tokyo, where we had a 24-hour rest before continuing to Beijing in a six-hour flight aboard a Chinese-owned-and-operated Boeing 747. There was a marked difference in atmosphere between the Chinese flight and those of American airlines. Cleanliness and service were impeccable but quite formal. Bar service was clearly not a centerpiece of the flight. The food was good — although somewhat mysterious — and we were introduced to the practice of serving hard fruit candies and such drinks as warm sugar cane syrup. The cabin crew included both men and women. Their efficiency was impressive. There were formal bows and set smiles. There was no banter.

It was a dark and moonless night when we landed amid what we erroneously thought was a power outage. We soon learned that dim and subdued lighting is the norm. We were met with great courtesy by two high officials of the Ministry and two interpreters. These good people guided us through customs checks with great efficiency and we boarded a Japanese-built diesel mini bus

for the long drive into the city, where we were assigned comfortable rooms in the newest — but not best — hotel. The plumbing had the chancy look of French design, but it did work, and the baths were private. As we settled in, our hosts appeared with a large box dinner for each of us. When we opened these later we found them to contain a variety of extremely rich filled and frosted pastries. Nothing else. This little mix-up had to be a matter of serious embarrassment for the Chinese, and I am sure it produced memoranda. The hotel had several dining rooms, one of which was described and labeled as "Western". We were told that we were expected to eat breakfasts in the Western room but all other meals in the Chinese dining room. Both rooms were reserved for foreigners. A typical breakfast included juice, soda, fruit, cake, eggs, meat, toast, jam, coffee and tea. Lunch and dinner would be five or six course Chinese meals. For official banquets, of which there were many, the number of courses was increased almost infinitely; but there were so many toasts that we tended to lose count (if not the ability to count). Lois and I found the food in the capital excellent.



The Dean's party with the Vice President and the Minister of Justice in an official photograph

We were told that our trip would include some tourism and in Beijing we did the big things, including the Great Wall, the Ming Tombs, the Forbidden City, Tianamen Square and a trade fair. Like everything else on the trip, the tourism was highly organized and done under the immediate supervision of our assigned Ministry of Justice official and the senior interpreter. We never waited in any line at any place. We also went right to work in a series of professional meetings so tightly scheduled that we had absolutely no free time. These meetings began with bar association and court officials, and we began to appreciate the dreadful degree of dislocation and destruction wrought upon the legal profession by the programmed insanity of the Cultural Revolution. As a principal target of this madness the lawyers were eliminated. Now the pitifully thin ranks of the survivors are being asked to implement policies of massive modernization and development in the face of general systemic weakness and the absence of those legal and financial infrastructures universally required for the commitment of capital. These tiny cadres of dedicated men and women, working in a quixotic political environment, must not only shepherd the high-speed development of a workable legal-economic system, but also create the institutions that will train the thousands needed to operate that system. The problem dwarfs the progress made, but what has been accomplished in the last decade is still more than impressive. China now has twenty seven law schools, four of which are directly under the Ministry of Justice, while the others are in universities. The nation-wide count of law students is seven thousand. When this is compared to the nearly two hundred American law schools with 150,000 students, one wonders if the two countries might profit by averaging. Throughout the official aspects of our trip there was a noticeable predisposition on the part of our hosts to guide us into economic discussions and to expose us to economic rather than legal institutions. In Beijing we spent considerable time with the leadership of the China Council for the Promotion of International Trade and, later, with the top executives of the China International

Trust and Investment Corporation. These are men of great power and our group found them to be able, talented and dignified. Without exception, they handled our very formal meetings with grace and charm; and we came to look forward to the inevitable and highly stylized service of excellent tea that preceded each session.

Certainly the political highlight of the trip was the evening we were given a reception by Chong Peng, the Vice-President of the National People's Congress. Followed by a banquet hosted by the Minister of Justice, the event served as our introduction to the Great Hall of the People, the national symbol of Communist rule. The reception also proved to be the cause of what will undoubtedly be my only appearance on Chinese television. Pictures and a narration were included in the evening news broadcast. Lois, on the other hand, may have achieved more lasting fame. Upon learning of her interest in art, the Chinese made available to her a car, driver and interpreter and set up some museum appointments. On one occasion she took several Poloroid flash pictures of a large portrait of Mao Tse-tung and Chou En-lai. Immediately, she was

startled to find herself the center of a glare of flood lights as she was approached by strangers. They proved to be a TV crew and they asked her to reenact her photography for inclusion in a special they were filming on the museum. Unfortunately we didn't get to see the program; but we can speculate on the narration for that segment.

After five days in Beijing, our full itinerary was released and we prepared to leave for Shanghai. Other cities to be visited in order were Guilin, Nanning, Guangzhou, Foshan and Shenzhen. Near the latter city we would exit China on foot to get a train to Kowloon and Hong Kong. The general pattern of our activity was the same in most of the cities, but the rhythm of life slowed perceptibly as we moved away from the capital. We were, of course, always accompanied by the officials that met us on our arrival in China, but at each stop we were joined by provincial officers of the Ministry of

mass of human tributaries flowing randomly in every direction. Less subject to the sobering presence of the central government, they appeared to express more emotion and less concern for anonymity. There was a definite increase in individuality of dress, although poverty remained as the master of choice. There were more markets and more street trading. I cannot document my belief that greater freedom is practiced in both music and theatre. Of course Shanghai is a great port city with a strong western influence in its architecture and its culture; and it, as is Guangzhou, is daily subject to the strong currents of freedom that are an inescapable part of foreign trade. For our little delegation, Shanghai was a favorite city.

Our next stop came after a long flight to the interior and the deep south in the simply incredible city of Guilin, in the Autonomous Region of Guangxi. As we were driven from the airport, our Ministry friends made a formal announcement, telling us for the next three days we were "on vacation" to enjoy the wonders and beauties of this place — and we did so to the point of collapse. We saw caves, caverns,

mountains, valleys, temples, lakes, ponds and rivers, each more beautiful than the other. We decided we would rather "work" than tour but we agreed that we had been shown one of the most dramatically beautiful spots on earth. Indeed, the area has had a profound influence on Chinese art, with many of the strong verticle strokes in paintings together with the tiny valleys and pocket lakes reflecting recollections or suppositions of Guilin. We were met here by the Chief of the Bureau of Foreign Affairs of the Autonomous Region, who traveled with us on a fascinating ten-hour train trip to Nanning. We passed through miles of the most intensely cultivated land in the world. Rice, of course, was predominate, but there were other crops including cane. The train itself was pulled by a modern deisel and the main body of the rolling stock was relatively spartan. Our own special car was a luxurious product



Interpreter and Ministry Officials

Justice and the Bureau of Foreign Affairs. In several cases we were also honored by the presence of mayors and other municipal dignitaries. For a lowly law dean this was heady stuff.

While the people of Beijing appeared as a blue-clad cycling monolith, the millions of Shanghai seemed more a moving

of East Germany. It was lavishly appointed, air conditioned and well staffed for abundant service. We had no unmet needs, but I think most of us developed feelings of unease — if not guilt — when we exchanged glances or smiles with the masses on other trains as we paused or passed one another in the classless society.

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Hastings' 65 Club

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teacher, but also can cost legal scholarship a savant at the height of his powers.

The basic structure of the 65 Club was determined by Snodgrass, and it has remained unchanged. In 1963, he articulated its philosophy:

1. There is only one reason why retired professors cannot be recalled to active duty. That is the unwillingness of the local administration to receive them . . .
2. The physical condition of each member of an over-age faculty should determine the amount of teaching which he should be required to do . . .
3. The salary scale for emeritus professors (continuing teaching) should be exactly the same as that which is applicable to professors who are teaching in their sixties. No deduction should be made because of the right to receive retirement benefits, which have been fully earned.

standard (how apt a flag), it would be emblazoned with the words, "We declare we will never retire/Until we lose our pep and fire." Those were Dean Snodgrass' sentiments exactly, and when he qualified for the 65 Club on September 11, 1959, his delight was downright boyish.

Snodgrass' active recruiting for the Club was very direct — a "no" answer was never gladly received, and the fierce little dean might have lured more than one great man to Hastings by engendering fear of his displeasure should his suit be spurned. Cornered, drink in hand, in a leather chair in the Cartoon Room at the Bohemian Club, even the most distinguished scholar was no match for Snodgrass' persuasive pleading.

What Snodgrass sought were the best academics he could find. He well realized that he had a large pool of excellent local practitioners from which to draw part-time instructors for

University of Oregon law school inquired about the way to go about creating a 65 Club. Moreover, law schools with a mandatory retirement age began to agitate (and with some success) to "recall" retired professors to active service to teach a course. Indeed, Hastings stood in some danger of losing by its pathfinding. A few 65ers left to go to sunnier climes. But there were plenty to take their place. It is a true mark of distinction that today, as mandatory retirement begins to crumble, it was Hastings that first showed the way four decades ago.

To date, there have been 77 members of the 65 Club. Five of them in effect spent their teaching careers at Hastings. The indefatigable Robert W. Harrison might well be called the first 65er because he reached that age in 1937 and continued to teach until 1947. Brooks Cox, a practitioner, taught part time from 1946 to 1951, joined the Club and became full time in the latter year, continuing active until 1972. Harold G. Pickering, who was in practice in San Francisco from 1918 to 1953, joined the Club in 1954 and remained until his retirement in 1963. Paul Basye taught part time from 1948 to 1966, then joined the Club and is still going strong, affectionately nicknamed "the Count", with obvious reference to a certain musician, but also to his aristocratic bearing. David Ellington Snodgrass was the fifth. Two other members had no previous teaching experience in a law school: Chauncey D. Leake, M.D., who founded the school of pharmacology at the University of California in San Francisco, taught medical jurisprudence at Hastings from 1963 to 1966; Arthur J. Goldberg, formerly associate justice of the United States Supreme Court (1962-65) and U.S. Ambassador to the United Nations in the Johnson administration, has been Distinguished Professor of Law (emeritus) at Hastings since 1975.

Of the 65 members of the Club who came from other law schools, most had, of course, spent about 40 years in teaching. What is arresting is that, on an average, these 65 men had spent almost exactly a quarter of a century at the law school they taught at prior to coming to Hastings. For most of the 65 Club members, their previous long tenure elsewhere afforded them the continuity



David E. Snodgrass, Hastings' Dean from 1940 to 1963, is the originator of the 65 Club

American law schools. One other, Julius Stone, was dean of the law faculty of the University of Sydney. The 29 deans of American schools had a combined experience of 386 years, an average of just under 14 years each, in that administrative office.

The most experienced dean was Albert J. Harno, with 35 years at Illinois after two years at Washburn, and the year before he came to Hastings he was acting dean at UCLA. Harno was succeeded at Illinois by Russell Sullivan, whose ten years added to Harno's 35 provided 45 years of continuous Illinois deanship represented in the Club. Three successive deans of Boalt — McMurray, Edwin Dickinson, and Prosser — brought 38 years of continuous deanship at the same institution to Hastings. In Judson Crane and Charles B. Nutting, the University of Pittsburgh provided two deans who served continuously from 1942 to 1952; and Nutting later served another six years as dean of George Washington. George Washington had three very young deans between 1910 and 1923, all of whom ultimately became 65ers: Ernest G. Lorenzen, Everett Fraser, and Merton Ferson. Fraser was dean at Minnesota from 1920 to 1948. After an eight-year interlude, William Lockhart assumed the office and remained in it for 16 years. Ferson, after leaving George Washington, was dean at North Carolina for two years and then at Cincinnati for 20 years, 1926-46. William G. Hale had 27 years of deanship at Oregon, Washington (St. Louis), and USC. Benjamin Boyer was dean of Temple from 1947 to 1965. Before going to Texas, Leon Green also held a deanship for 18 years at Northwestern — where Arthur J. Goldberg was one of his students. NYU gave Hastings Russell Niles and Miguel de Capriles, who were successive deans there from 1948 to 1967. Cornell had been under the hand of both George G. Bogert (before he went to Chicago) for four years and William Ray Forrester for ten. In all, 25 law schools (not including Hastings, which provided 65er Snodgrass) had at one time or another been under the direction of a man who would later bring to Hastings the memories of toil and glory, the knowledge and sagacity gained from the decanal experience.

All of the 65ers who had been deans of AALS-member law schools brought with them a national reputation derived from

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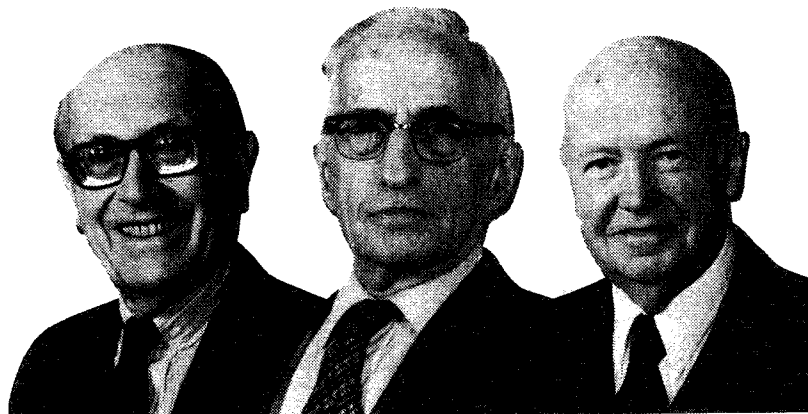


Professors Julian Levi, Paul Basye and Russell Niles

For Snodgrass, the expedient of the 1940s became his crusade for the 1950s. Always a popular speaker and much in demand, by the mid-1950s he could not be persuaded to talk on any other subject than the iniquity of compulsory retirement. He did not lack an enthusiastic audience in the Golden State that was growing in population geometrically in large part by attracting retirees, in which the elderly were becoming a political force of considerable proportions, and which gave our language that infelicitous euphemism, "senior citizen." The 65 Club and its creator received national publicity in *Coronet*, *Look*, *Newsweek*, *Readers Digest*, on radio and television. In a San Francisco election for a superior court judge in 1960, Snodgrass roasted a candidate, age 56, whose strategy it was to convince the electorate that his opponent, a 70-year-old lady municipal court judge, was too old for the job. That Lenore Underwood was a Hastings graduate, '32, merely added fuel to Snodgrass' torch, and though she lost the election, thereafter such a political strategy became less frequent. Snodgrass received numerous awards for his advocacy of the right of older people to work. He also enjoyed the kudos of the great and the small who congratulated him both on his cause and on the excellence of the faculty he had brought to Hastings. At the dedication luncheon for the new building, in March 1953, Director Sidney M. Ehrman, '98, a few months away from being an octogenarian, owned that if he were to present to the 65 Club a regimental

practice-oriented courses. For Snodgrass the Club presented the opportunity to gain a scholarly faculty that the College could not acquire otherwise. He made the best of it. In the men he recruited and the institution he created he gave Hastings its richest legacy since the original gift of Serranus Clinton Hastings.

If imitation is the sincerest flattery, Hastings was much flattered by a number of law schools which by the end



Professors Rudolf Schlesinger, Stefan Riesenfeld and Raymond Sullivan

of the 1950s began to hire professors considered to be superannuated. Most of the schools were either as yet unaccredited or just recently approved, but all were aspiring to become better. California Western and the University of San Diego law schools took up the idea. Even the old and well-established

to reach the peak of their powers, to make their professional marks, and to develop as accomplished teachers and productive scholars.

Another aspect of the 65ers experience was their administrative involvement in legal education. Twenty-nine of them had been regular — not acting — deans of



Current members of the 65 Club, Professors William Lockhart, Jerome Hall, Julius Stone, Arthur Sherry, Theodore Smedley, Adrian Kragen, William Ray Forrester and Warren Shattuck

What Should Law Schools Teach?

The following is excerpted from remarks delivered by Professor Julian Levi, member of Hastings' 65 Club, at the alumni dinner in Honolulu on February 18, 1983.

Discussion about law school curriculum normally qualifies the question known to ancient academics like your present speaker:

*"Why is academic politics so bitter?"
The answer: "Because the stakes are so small."*

Certainly, the ordinary discussion of whether property should be taught in one or two semesters, or whether criminal procedure should be a three or two unit credit qualify for both the question and the answer.

In these years, however, the question is being put to our profession in far harsher terms. American society is characterized as the most litigious in the industrial world; the decline in American economic power and potential is ascribed to an "over-lawyered" society; Alexis de Tocqueville's observations about the important role of lawyers in the American scene are quoted at length. As to de Tocqueville, I must confess that another conclusion of his appears far more apt and pertinent:

"If I were asked . . . to what the singular prosperity and growing strength of that people (the Americans) ought mainly to be attributed, I should reply: To the superiority of their women."

Thus I hasten to call your attention to the fact that 45% of the 1985 class at Hastings College of the Law are females.

It is true, however, that this generation of our profession is experiencing a dramatic rise in the volume of litigation. The consequence on the pecking order within law firms has been drastic; years ago the litigation section of the large law office was the "loss leader" — the service which had to be made available to clients in order that the profitable part of the practice be preserved. Today the contrast is evident in the comment of one of the senior partners of a major American law firm that "eighty percent of his people were engaged in litigation". In all accuracy that characterization is somewhat overblown — eighty percent of his people include those engaged in discovery and like annoyances rather than appearing in a courtroom.

In any event, however, the law school curriculum of former days which did not purport to prepare a graduate to at once carry the responsibility of litigation is often viewed as inadequate.

The dimensions of the problem are large. Moot court exercises may familiarize students with the superficial characteristics of an appellate court argument, but the first experience of that student in a live courtroom is not apt to be the United States Circuit Court of Appeals, and the first real life problem will not be the public policy of some great jurisdictional issue, but rather how an office memorandum can be qualified for admission in evidence against a hostile witness.

The competence of trial counsel has become an increasingly troublesome subject. The complaints of the Chief Justice are echoed in many courts. These difficulties are intensified by the growing recognition by the courts of the rights of defendants to effective legal counsel in criminal cases. My former colleague Judge Richard Posner of the Seventh Circuit Court of Appeals called the shot as he saw it when he spoke of one counsel's representation of an unfortunate defendant as "a series of pratfalls".

The lodestar of the English barrister is often held up as comparison to the unskilled American litigator whose courtroom performance is characterized by a series of stereotyped, meaningless objections while the basic theory of his case is either ignored or unarticulated. The contrast to the record in the English court is indeed instructive. The notion

sometimes bred in the moot court exercise that litigation is a matter of point scoring rather than the simplification of the issues to those regarded as crucial and in which counsel has confidence may be responsible for some of this. The barrister is not so apt to make an argument on the basis of:

"Let's see whether this turkey will fly".

Without question, some judges and lawyers would like to see a duplicate of the Inns of the Court, or even the apprenticeship system seen in the accounting profession where the candidate for a certified public accountant's credential works within an accounting firm for a number of years. The cost of both methods of training are formidable and are in fact met in part by the employment of candidates at very low wages.

The current vogue is then to turn to "Continuing Legal Education." Interesting and promising is the practice developed by some of the large law firms and the legal departments of state agencies providing a somewhat formalized course in trial techniques in which senior litigators of the firm act as instructors to younger associates. Often these programs are supplemented by the participation of faculty of law schools.

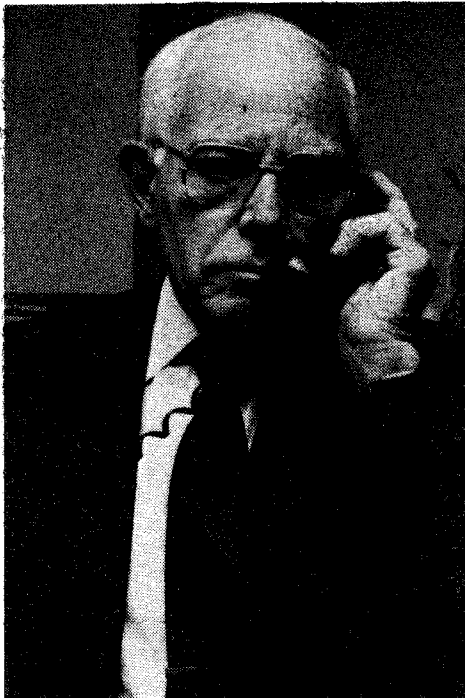
The difficulty with this approach is — believe it or not — teaching is not a part-time enterprise. The structure of courses in trial technique is a full-time task; the selection of materials challenging and relevant. The busy litigator is apt to "war game" his own experiences whether relevant or not. Incidentally, I learned most about how to try cases from my own mistakes. This has encouraged me to consider the preparation of a casebook entitled "Counsel's Mistakes". My enthusiasm has been somewhat abated since I informed one lawyer — a litigator in a self styled "prestigious Washington law firm where every associate was a former clerk to a United States Supreme Court Justice" — that his tactics in a particular matter would be the subject of the first chapter. His reaction led me to believe that immediately on publication I had better be someone's client. The added opportunity thus afforded for research in trial technique was underwhelming.

A promising and interesting development in the field has evolved this year at Hastings College. A seminar in Law and Urban Problems in effect became the legal staff to the Assembly Office of Research of the California legislature. In the fall seminar at the request of the Assembly Office, the seminar went to work on the problems of vocational education in California. One group of students prepared an analysis of existing state legislation with particular attention to those provisions which inhibited experimentation, the use of semiprofessional teachers, and the use of commercial facilities as places of instruction. It will not come as a surprise to you that many existing provisions in law are the product of the lobbyist interested in the teacher rather than the student. A second group of students prepared briefs on the question as to whether these inhibitors could be surmounted without the direct time-consuming process of detailed repeal; a third group prepared comparisons with the legislation in other states; a fourth team analyzed the constitutional rights of a student to obtain an education adequate enough to permit him to earn a living. All of this work was supported by magnificent service and assistance of the personnel at the Hastings library. At the conclusion of this work a conference under the auspices of the Assembly Office and the leadership of the California legislature was held in Los Angeles in which students of the seminar acted as recorders.

This semester the seminar is at work with the Assembly Office on issues relating to economic development, enterprise zones, and employment opportunity in California. California, in contrast to many of the other states, comes late to these problems.

Perhaps the best way to describe the program is to enumerate some of the topics upon which preliminary reports have been prepared:

- (1) What are the characteristics, powers, and charters of business and development corporations as now organized in the most aggressive business recruiting states?
- (2) Similarly, what are the characteristics, powers, and charters of statewide economic development corporations as seen in the same states?
- (3) What are the characteristics and limitations of the use of tax-exempt financing for industrial development?
- (4) What state tax practices have been shown to be incentives or disincentives for economic development?
- (5) What advantages would California obtain in the increase of free trade



Professor Julian H. Levi

zones, and what steps must be taken under federal and state law to authorize such zones?

- (6) What limitations exist and should be observed in the use of state-owned land for business development?
- (7) How have Massachusetts and North Carolina fostered the building and development of private industrial research facilities and activities?
- (8) An examination of all definitions in the proposed California legislation against precedents and practices in all other states; followed by a line-by-line analysis of the legislation as introduced.

Many of you, I am told, have participated in the programs taught by the Hastings Center for Trial and Appellate Advocacy. Here content and substance is a yearlong enterprise; faculty experienced in the classroom as well as the courtroom have the added advantage of knowing how to deal with the student's cultural shock on his first view of his performance on video tape. Beyond this is the significant advantage in organization of a comprehensive approach to the entire problem of effective advocacy. The teaching of trial techniques ought not be fragmented nor confused or handicapped by ignorance as to substantive law. The experienced criminal lawyer knows that the plea of guilty is often the most effective solution to the problems of a client; one need only read a biography of Clarence Darrow to understand the point. In one of Darrow's most famous cases, he pleaded his clients guilty and then went on to insist that the court hear evidence in explanation and mitigation. The impact of his closing argument was overpowering: Darrow pointed out to the court that never in the long history of the state had the death penalty been imposed on teenagers upon a guilty plea; he in effect told the court that it had no place to hide from its total responsibility as to the sentence; there was no jury to hide behind or to cite as the ultimate arbiter of the facts. The comparison of

that technique to the trial of a recent case in California I find instructive. The considerations pro and con, however, do not belong in the substantive curriculum of the law school; in contrast, the course in trial technique must assume that the student is aware of both the substantive requirements of the criminal law and the evidentiary and procedural standards which must be observed and followed. Only then is the student in position to make the evaluation required.

Hastings College in its physical proximity to the state and federal courts is well situated to afford students some clinical experience. This semester more than 230 students at the college are serving as externs in the offices of state and federal judges, prosecutors, public defenders, and law offices. Unit credit is available and the student's education is enriched by these experiences.

Moreover, this work has been aided by library resources which permit our students to obtain information about legislation on like topics pending in any one of the fifty states and then, where warranted, to obtain copies of the legislation.

You can, I think, understand why the legislative leadership and the California Assembly Office of Research welcomes and prizes this assistance. This is one case where the consultants pay for the opportunity for consulting!

Hopefully we will find a permanent base for these programs.

The third issue of law school curriculum relates to professional responsibility. As we all know, the performance of our profession has come under increasing scrutiny and criticism. The *New York Times* of Sunday, February 4, 1983, discusses the issue under the heading of "Of Law, Ethics and Business".

Inevitably, these discussions lead back to the comment that "these lawyers were not taught very well", and that these failures in professional performance can be placed at the doors of the law schools. As a teacher of corporate law observing some of the corporate bar, I am inclined to plead guilty.

I suspect some of you were privileged to know and study with Professor Richard Powell. My only exposure to what I regard as one of the most formidable talents in legal instruction came only after I was fortunate enough to visit at Hastings College. I recall remarks made by Professor Powell in 1977 when at a meeting of faculty he explained the essentials of teaching at a law school. Professor Powell explained that one question must be asked after the analysis of every case and doctrine, to wit: "What is the public policy, and why?"

As a student and teacher of corporate law, may I suggest an answer to you? The modern industrial society is made possible only by the giant aggregation of capital achieved by the corporate form in order to answer the problems of defined agency and personal liability, survival beyond the lives of any of the investors, and transferability without dissolution of the enterprise. Such a system and arrangement can exist only when investors have confidence in the essential fairness and honesty with which their affairs are administered. Otherwise the ability to aggregate capital and effort is under great handicap.

This public policy or standard, if you please, is the basic criterion for measurement of any legal doctrine in the field.

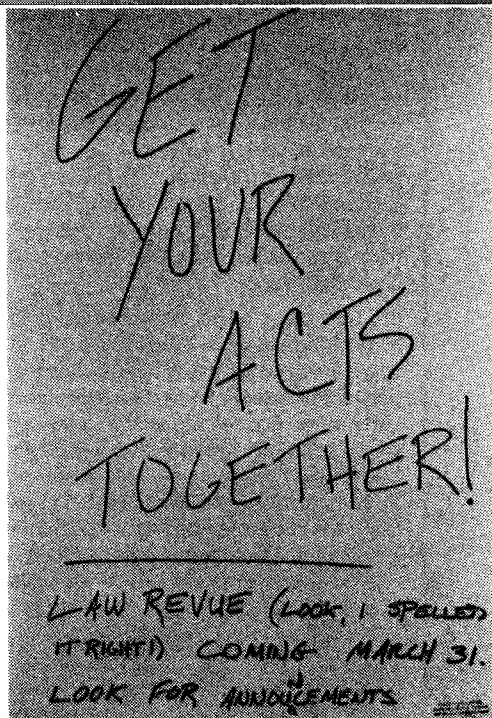
Hence, permit me to apply this standard to the much discussed OPM case. OPM, by the way, stands for Other People's Money. The company was in the business of owning and leasing computer systems. Its transactions ran into the millions of dollars. In each case, OPM would bundle up a set of documents — including proof of ownership of the computer together with a rental agreement for this equipment in which OPM was lessor and a major American corporation of undoubted financial worth was the

continued on page 5

CALENDAR

December

- 15** Alumni Association hosts Wassail Party in Old Commons for Hastings students — Santa drops in
- 17** Hastings Board of Directors meeting
- 18** Last day of finals



March

- 2** Washington, D.C. alumni honor Hastings graduates John S. Herrington '64, Lois H. Herrington '65, Congressman William E. Dannemeyer '52, Robert T. Matsui '66, Charles Pashayan, Jr. '68, Harold S. Sawyer '43, Norman D. Shumway '63, and Hastings College of Advocacy Dean e. robert wallach at a reception at the Madison Hotel hosted by Dean Prunty
- 3 - 4** Philip C. Jessup International Law Competition — Hastings team places 2nd in Western Regionals
- 3** New York City alumni honor Dean Prunty at dinner at Princeton Club
- 4** Queen Elizabeth, Prince Philip and Nancy Reagan drive by Hastings. They would have liked to stop.
- 12 - 20** Hastings College of Advocacy nine-day comprehensive skills program on all aspects of civil and criminal litigation.
- 18** Hastings Board of Directors meeting
- 22 - 25** Hastings teams compete in the Frederick Douglass Moot Court National Finals, Atlanta, Georgia
- 31** Annual Law Revue in Old Commons. The less said the better.

January

- 10** Spring semester begins
- 14** Sir Robert Megarry, Vice Chancellor of England, and Mrs. Megarry, attend a luncheon in their honor, hosted by Dean Bert S. Prunty in the Alumni Reception Center
- 24 - 27** National Moot Court finals in New York City — Hastings National team is undefeated after preliminary rounds; placed ninth in the nation



April

- 2** ConLaw Quarterly annual banquet
- 6** Former Governor "Pat" Brown hosts dinner in Los Angeles to raise funds for annual Mathew O. Tobriner Memorial Lecture
- 7** Law Journal alumni banquet
Hastings International & Comparative Law Review annual banquet
Los Angeles Alumni Chapter honors Supreme Court Associate Justice Joseph Grodin at a dinner at Miriwa Restaurant
- 8** Comm/Ent annual banquet
Third-year class party
- 14** "Sundae on Thursday" ice cream extravaganza for residents of McAllister Tower hosted by Alumni Association
Moot Court annual banquet
- 15** "Aspects of East Asian Art" exhibit and students reception in Alumni Reception Center
- 15 - 16** Hastings teams to compete at the Roger Traynor Moot Court and A.B.A. National Appellate Advocacy Competitions. Good Luck!
- 16** Law Journal annual banquet
- 18** "Aspects of East Asian Art" exhibit and student reception in Alumni Reception Center
- 20** Alumni Association hosts annual reception for third-year students in Alumni Reception Center
- 29** Last day of classes

February

- 8** Board of Trustees and Legal Advisory Committee of Hastings Law Center Foundation meeting
- 10** Alumni Association hosts Students Night at the Movies featuring "Citizen Kane" & "Betty Boop". Who's Betty Boop?
- 12** Frederick Douglass Moot Court Competition — Hastings teams placed 1st and 3rd at the Western Regional Competition held in Los Angeles
- 18** Prof. Julian Levi addresses Hawaii alumni and friends, Boards of 1066 Foundation and Alumni Association at dinner in Honolulu
- 19** Alumni Association and 1066 Foundation Boards meeting in Honolulu
- 22** "Roast" of Supreme Court Associate Justice Joseph Grodin in Alumni Reception Center. Blame goes to Prof. Justin Smith

May

- 20** Last day of finals
1066 Foundation Board, Alumni Association Board and Chapter Representatives meetings
Dean's annual Donors Recognition Dinner in Alumni Reception Center
- 21** Commencement

June

- June
July
August Vacation centers for UC alumni at UC Santa Barbara. Call the alumni office for information.
- 17** Hastings Board of Directors meeting

July

- Alumni Association chapters host receptions in honor of entering students

August

- 5 - 10** College of Advocacy's civil program
- 11 - 14** College of Advocacy's criminal program
- 22** Fall semester begins

September

- 10 - 14** State Bar Convention, Anaheim. Annual luncheon, Alumni Association and 1066 Boards meetings; Disneyland Hotel on September 13

What Should Law Schools Teach?

continued from page 4

lessee. In each case counsel for OPM rendered a legal opinion as to validity of all these instruments. The total package, as counsel knew, was transmitted to an investment banker who would arrange loans to the client in which the computer title and the lease formed an essential part of the security. Total transactions of this kind ran more than a quarter of a billion dollars. The *New York Times* reports that in 1980 fees and expenses paid to OPM's counsel exceeded \$3.8 million.

In June of 1980, one of the principal officers of OPM calls on counsel and tells him:

"... he was troubled, that he might have done something wrong in his stewardship of the company — something he could not set right because it involved millions of dollars more than he could raise."

The officer refused to tell any details unless counsel could assure him he would tell no one else. So what does

counsel do? He seeks advice of "experts in legal ethics". Counsel tells the experts "they wanted to do the ethical thing" and they wanted to continue "representing OPM unless they were ethically and legally obliged to quit."

Somehow I find this altogether reminiscent of cases decided long ago. Lord McNaughton more than half a century ago noted:

"Fraud is infinite in variety; sometimes it is audacious and unblushing; sometimes it pays a sort of homage to virtue and then it is modest and retiring; it would be honesty itself if it could only afford it."

The "legal ethics experts" obliged counsel; they told counsel they could continue representing OPM if they guarded against any continuing fraud and for that purpose they could accept the assurances of the "troubled" OPM officer giving him the benefit of the doubt. Matters continued on this basis through September. Counsel continued to provide legal opinions; the title and lease papers were forwarded to lenders. Ultimately more than \$50 million in

loans floated in June, July, and August were determined to be fraudulent.

When counsel resigned, OPM sought new counsel. That counsel, described as one of original counsel's "oldest and dearest friends", called original counsel and asked whether there was "anything he should be aware of" in considering whether to represent OPM. Under the direction of "legal ethics experts", counsel responded by saying that the termination of representation was a mutual decision and there was mutual agreement that the circumstances of termination would not be discussed. Thus, in December 1980 and early 1981, another \$15 million in fraudulent loans were closed.

You will, of course, be greatly reassured and touched by the comment of original counsel that "this specific thing (the failure to warn his oldest and dearest friend) caused me more personal pain than anything I can recall during the course of the entire OPM thing".

In subsequent criminal proceedings in New York Federal District Court, the two principal officers of OPM pleaded

guilty of defrauding banks and other lenders of more than \$210 million.

Now, before we return to Professor Powell, may I remind you that this type of problem is not new. Counsel in OPM was functioning with respect to financial instruments precisely as counsel who examines an abstract of title to real estate. In OPM, counsel knew that their opinion was an integral part of the loan verification just as the opinion rendered by the abstracter as to the title of the borrower. It has long been held that the abstracter is liable for fraud or collusion in preparation of an abstract, or for negligence or recklessness even to third persons rather than to his client alone. Those of you interested will find illuminating notes in 34 ALR3rd at 1131 and 59 ALR3rd at 1177.

No doubt it was because of these and like authorities that counsel for OPM, following the bankruptcy of the company and the filing of suits against them by lenders, are reported to be contributing approximately \$10 million in settlement of claims against them. The nub of these claims is the charge that

continued on page 17

This article was submitted by Roy Kirkorian, Vice President-Legal and Secretary of Continental Telecom Inc., Hastings '70. He would like to thank Contel's staff members, and especially John Wohlsetter, Contel Corporate Attorney, Fordham '77, for their participation in this paper.

Background

On November 20, 1974, the U.S. Department of Justice ("DOJ") filed a massive antitrust suit against American Telephone & Telegraph Company ("AT&T"), the world's largest corporation. The DOJ's complaint alleged that AT&T employed its local and long distance service monopolies to foreclose competitive equipment manufacturers and guarantee a market for Western Electric, AT&T's manufacturing arm. It also alleged that the Bell telephone-operating companies ("BOCs") were used to prevent long distance companies from competing with AT&T's Long Lines Division. More abstractly, the Government charged that the defendant had engaged in vertical market foreclosure. In effect AT&T operated an end-to-end monopoly, with the BOCs acting as "bottleneck facilities". Its case was based on the neo-classical economic thesis that a rate-of-return regulated monopolist has extraordinary incentives to exploit its monopoly in markets other than that in which the monopoly is found. In other words, since the exploitation of market power is constrained to some extent by federal and state regulation, in order to maximize its profits a regulated monopoly must export some profits to a less regulated or non-regulated activity. AT&T was charged with engaging in vertical integration by exporting profits upstream to Western Electric.

After voluminous pretrial discovery and Byzantine legal maneuvering, the case went to trial in April, 1980, before U.S. District Court Judge Harold Greene in Washington, D.C. On January 8, 1982, AT&T and DOJ Antitrust Chief William Baxter signed a modification of the existing 1956 Consent Decree (which barred AT&T from engaging in business not subject to tariff regulation), calling for divestiture by AT&T of most of its subsidiary BOCs in return for which DOJ dropped its antitrust litigation, and allowed largely unrestricted entry by AT&T through a fully separate subsidiary into unregulated fields—data processing, enhanced services, and terminal equipment. On August 24, 1982, Judge Greene issued a Modified Final Judgment incorporating the DOJ settlement (the "Settlement"). Pursuant to the Settlement, AT&T submitted a reorganization plan on December 16, 1982 (the "Plan").

The Plan is now before Judge Greene, with over 100 interested parties having filed critical comments. The Supreme Court recently summarily affirmed (6-3) Judge Greene's jurisdiction to issue the Modified Final Judgement. While revisions to the Plan can be expected, its basic thrust will likely stand. This article will address several important issues: (1) the major provisions of the Plan, (2) the likely impact upon local and long distance rates, and (3) what the future may hold for the telecommunications industry as a result of the changes in industry structure brought about by the divestiture.

The Regulatory Context

In order to assess the probable impact of the divestiture, it is necessary to summarize two key rulings of the Federal Communications Commission ("FCC"): its 1980-81 "Computer II" decision and its 1982 "Access Charge" ruling. Computer II divided the telecommunications marketplace into two broad classes of service: "basic" and "enhanced". Basic service was defined as that which involves the transmission of data in its raw form, without any kind of processing action to alter the content. The remainder was residually categorized as enhanced service—something more than unprocessed, unaltered data. Under Computer II, basic services remain regulated by the FCC and must still be provided under federal or state tariff. Enhanced services are deregulated and can now be offered in

ISSUES IN SIGHTS

AT&T Divestiture: "Uncertainties Persist"

"Issues and Insights" provides a forum for professors and others in the legal community to express their views on various matters. The issues may range from the parochial to the international. We hope this forum will

generate lively discussion and debate. All opinions are those of the author, and do not necessarily reflect the views of The Hastings Community staff.

the open marketplace. Customer premises equipment ("CPE") is anything from the private branch exchanges, key systems and desk top instruments used in offices to telephones in the home. Computer II detariffed CPE manufactured after January 1, 1983. The Commission felt that in view of the already diverse existing marketplace for CPE the customer would best be served by maximum customer choice.

In the Access Charge decision, the FCC was faced with designing a new method to compensate the local telephone companies for providing "access" to the long distance carriers (including AT&T). It mapped out a plan to reduce compensation that the local companies received from the intercity carriers for use of the local companies' assets. This subsidy covered "non-traffic sensitive" costs (i.e., embedded plant facilities used for both local and inter-exchange costs). Over a seven-year period the pool will be replaced by a smaller, "high cost factor" pool. Exchange carriers will pay into a fund to be administered by a newly formed entity, the Exchange Carriers Association. Initially, local ratepayers will pay a flat charge to access the exchange for interstate long distance calls, amounting to about half the current value of the subsidy. The remainder will be covered by other carriers using the local loop to complete their long distance links. Eventually the portion paid by the carriers (and in turn by their ratepayers) will be limited to their "high cost factor" contribution. The local subscriber will have to pick up the rest of the non-traffic sensitive cost for accessing the long distance network. It is within this new regulatory framework that we now turn to the structural changes imposed by the divestiture.

Major Provisions of the Divestiture

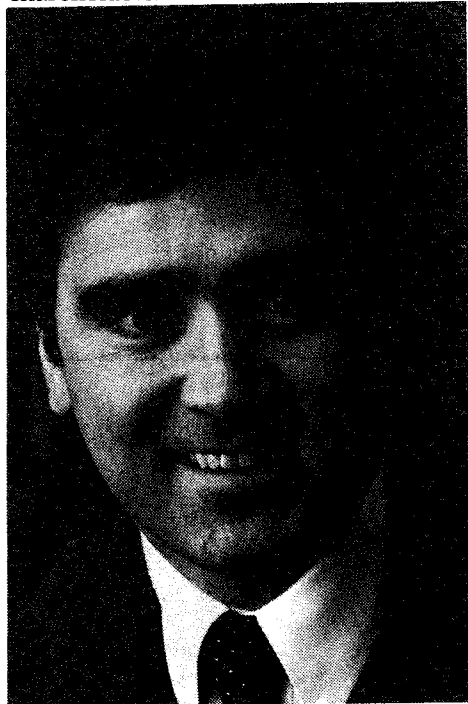
The basic provisions of the Settlement can be stated in rather simple terms. AT&T will be separated into two distinct, independent entities: a national company that includes long distance telephone service, manufacturing and research and development activities; and the divested BOCs that will provide local telephone service. More specifically, the twenty-two operating companies which AT&T will divest will be owned by seven regional holding companies ("RHCs"). Each of the twenty-two BOCs will establish an interexchange subsidiary and probably a CPE subsidiary. This means the formation of forty-four new companies. These new subsidiaries will then be upstreamed as dividends from the BOCs to AT&T, leaving each BOC with only the assets and businesses which it will retain at divestiture. After the divestiture becomes final, the BOCs will have the option to enter the CPE market if they so choose.

The newly restructured AT&T will consist of AT&T Long Lines, a carrier providing long distance service under tariff; the newly created American Bell, Inc., a seller of CPE; Western Electric, AT&T's manufacturing arm; and Bell Laboratories, the finest private research facility in the world.

The proposed share distribution is of particular interest to corporate lawyers. The AT&T Plan calls for a distribution of new shares of the seven RHCs on a 1:10 basis. For every 100 AT&T shares held prior to divestiture, an investor will receive 10 shares in each RHC and will continue to own 100 shares of AT&T. The future AT&T will, of course, be a much smaller organization than the consolidated Bell System is today. According to investment bankers Lehman Brothers Kuhn Loeb, this distribution of RHC shares raises two problems that the Plan tries to minimize. "First, the distribution will result in the creation of a large number of new shareholder accounts. AT&T currently

has the largest number of shareholders in the world. It has approximately 3.2 million investors, almost three times more than General Motors, the next largest shareholder base. To further complicate the problem, most of these accounts are very small (over 30% of investors hold fewer than 20 shares, and more than 60% hold 100 or fewer shares). For a BOC, or even a smaller AT&T, this imposes a heavy administrative burden.

"Second, it is presumed that many current AT&T investors, ending up with holdings in eight separate companies, will want to restructure their holdings, reapportion their investment in the eight companies or, worse, redeploying (sic) their investment into other securities. In either case, there is a fear that for some period after divestiture there will be net sales of the new BOC shares by the initial holders. This could artificially depress the prices of the BOC shares and would generate substantial transaction costs, particularly for small shareholders.



Roy B. Kirkorian '70

"The Plan provides several mechanisms to reduce these problems. To eliminate fractional BOC shares at divestiture, AT&T plans to pay off the fractional components in cash, based on the market prices established in the 'when-issued' market discussed below. AT&T estimates that the cost of this fractional share program will be under \$100 million."

The Impact of Divestiture

Broadly speaking, the significance of the break-up can be analyzed from several perspectives:

1. The impact on local and long distance rates.
2. The prospects for continued "universal service" for telephone subscribers.
3. The future of the terminal equipment marketplace.

The common focal point of all of the above is, simply put, money: who pays more vs. who pays less, and what services will be available at what price.

Local and Long Distance Rates

Nearly half a century has passed since the Communications Act of 1934 established the regulatory framework for common carriers to offer telephone services under tariff to customers residing in the carriers' geographic monopoly service areas. The typical home user received low-cost, efficient, plain old telephone service. Long distance rates were relatively cheap. In order to provide "universal service" at affordable rates, some users had to

subsidize the uneconomic service given to others. For example, it can cost thousands of dollars to install a telephone cable to serve customers who live in remote, sparsely populated areas. Were such high-cost customers to be charged for phone service based upon cost, the amount due would obviously be prohibitive, with many probably opting to forego telephone service altogether. The fruits of universal service are evident: over 95% of American homes have telephones. One way that rates were kept within affordable ranges was for long distance ratepayers to subsidize local rates. Even discounting extreme situations, in the brave new world of cost-based pricing, some subscribers may soon face soaring monthly telephone bills. Local telephone companies will have to petition state Public Utility Commissions for steep increases, which will prove to be politically unpalatable. There is every indication that congressmen and state regulators are beginning to get the message "loud and clear" from angry constituents.

On the other hand, long distance rates may drop sharply. Under the old regulatory scheme, AT&T Long Lines was a monopoly long distance carrier. In return for access to local loops owned by non-Bell independent telephone companies, who serve about one-sixth of all subscribers (mostly rural), AT&T paid each local carrier out of an economically integrated financial pool covering interstate business. Pursuant to a 1971 plan devised under the aegis of the FCC and the National Association of Regulatory Utility Commissioners, all carrier costs and revenues were pooled. A rate of return was calculated, and each carrier received a settlement amount. This process was known in industry jargon as toll separations and revenue settlements. For one major Independent, Continental Telecom Inc. ("Contel"), this process generated 60% of total operating telephone revenues. With the eventual unbundling of interstate toll rates, long distance ratepayers will no longer foot the subsidy bill.

After January 1, 1984, the long distance market will match AT&T's Long Lines against the "Other Common Carriers" such as MCI Telecommunications, Inc. ("MCI"). They will all operate as tariffed "inter-exchange carriers." Unlike the Independents, who must rely in part on a revenue base of capital- and labor-intensive local exchange service, the inter-exchange carriers have less burdensome service responsibilities. Thus, they represent a more attractive proposition for investors than most local telephone companies which retain the open-ended service obligations. Despite these advantages, inter-exchange carriers are by no means assured of having a picnic in the marketplace. Once the mammoth Long Lines is unleashed, it will give up market share grudgingly, if at all.

Uneconomic Bypass

The opening up of the long distance market harbors the potential for economic chaos. Local exchange carriers must be able to recover the cost of billions of dollars of embedded plant, but inter-exchange carriers will not be encumbered with that albatross. If local exchange access charges are set too high, the inter-exchange carriers will be encouraged to bypass the local loop entirely by erecting wasteful, duplicative (but cheaper) local relay facilities. The greater the access charge, the greater is the incentive created thereby for bypass, which is uneconomic from the standpoint of the billions of dollars already invested by traditional telephone companies in existing nationwide transmission facilities. Should that occur, regulated local carriers will face even more pressure to recover costs from local ratepayers.

Terminal Equipment

At this writing there remains a conflict between Computer II and the Settlement regarding CPE. Computer II divided CPE into pre- and post-January 1, 1983 CPE. It mandated that old CPE manufactured prior to the January 1st cut-off date was "embedded CPE" and remains under existing tariffs, while new CPE was deregulated. The FCC has initiated a docket proceeding (81-893) to address the issue of how to deal with the

continued on page 17

Four New Groups Extend an "Invitation to Excellence"

Shortly after making the historic gift which established the college in 1878, Chief Justice Serranus Clinton Hastings wrote that "The founder and, he hopes, his descendants, will look upon the rejection of any applicant or student on account of his poverty or limited means of support, as a calamity subversive to the object of the foundation."

Four new donor recognition groups are being formed for the purpose of assuring adequate levels of financial aid for all deserving Hastings students, as well as providing library acquisitions, research assistants for the faculty, and other important services for students, alumni and friends, through unrestricted annual gifts.

The groups are issuing "an invitation to excellence" to all the Hastings community. In addition to providing a level of unrestricted funds which will allow the Dean to "plug holes" created by severe cuts in state funds in recent years, the new groups will also offer donors several ways to participate in interesting and valuable programs at the college.

Contributions are deductible for purposes of calculating both state and federal income taxes. Gifts are not used to defray the fixed overhead of the college, nor to substitute for committed state funding.

If you are interested in accepting our "invitation to excellence", please contact Hastings' Director of Development J. Philip Helms by mail, or by calling (415) 557-2601.

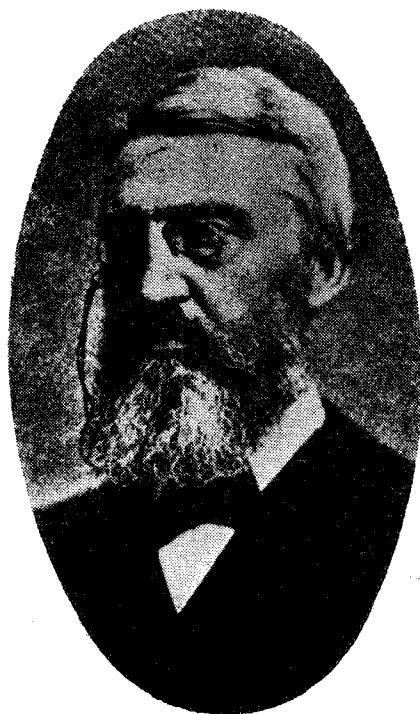


Robert W. Harrison Society

Members of the William R. Harrison Society support Hastings by making unrestricted annual gifts of \$100 and above.

The Society is named in honor of William R. Harrison, Professor of Law from 1901-1947. Not only was he the "first member of the 65 Club", but he also holds the Hastings record for faculty longevity. William R. Harrison was regarded with great affection by generations of Hastings students. He was noted for his efforts to build-up the College's library — securing gifts of books from others and purchasing many himself.

Among the benefits available to members of the William R. Harrison Society are invitations to the annual Mathew O. Tobriner Memorial Lecture, to be delivered by a nationally recognized authority each fall at Hastings; subscriptions to a monthly bibliography of selected subjects prepared by the staff of the law library (please see page 13); and, (through special arrangements with the library and West Publishing Company) access to the college's WESTLAW computer research system.



John Norton Pomeroy Society

Members of the John Norton Pomeroy Society support Hastings by making unrestricted annual gifts of \$500 and above.

John Norton Pomeroy was Hastings' first Professor of Law and one of the pre-eminent legal scholars of his day. He was one of the handful of academic teacher/scholars who were the creators of the modern American law school. He informed his first class at Hastings that "the whole course will be truly scientific in its classification and arrangement of subjects, but practical in its modes of study and work by the classes themselves," an approach to jurisprudence which became known everywhere as "The Pomeroy System".

Among the benefits available to members of the John Norton Pomeroy Society are invitations to the annual Mathew O. Tobriner Memorial Lecture and to a private reception honoring the lecturer; subscriptions to a monthly bibliography of selected subjects from the law library; invitations to the Dean's annual Donors Recognition Dinner; and access to the college's WESTLAW computer research system.



Mary McHenry Keith Society

Members of the Mary McHenry Keith Society support the college by making unrestricted annual contributions of \$1,000 and above.

The Society is named in honor of Mary McHenry Keith, Hastings' first female graduate (1882). One of the early leaders of the women's suffrage movement, Mary McHenry matriculated at the University of California, receiving her A.B. in the classical course of the College of Letters in 1879. A respected and popular student at Hastings, she was one of the representatives chosen from the class who addressed the commencement exercises on May 29, 1882. Mary McHenry married California's most eminent artist, William Keith, and together they built a house in Berkeley that became "the veritable powerhouse of the women's suffrage movement in California and the West Coast as a whole."

Members of the Mary McHenry Keith Society receive invitations to the annual Mathew O. Tobriner Memorial Lecture and to a private reception honoring the lecturer; invitations to the Dean's annual Donor Recognition Dinner; a monthly "inside report" from the Dean; parking privileges at the college; invitations to financial planning seminars conducted by members of the Hastings faculty; a periodic bibliography of selected subjects prepared by the Law Library; and access to the College's WESTLAW computer research system.

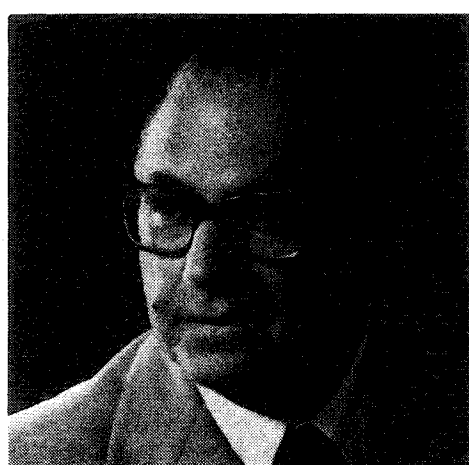


Founder's Associates

Members of the Founder's Associates support the college by making unrestricted annual gifts of \$5,000 and above.

This premier support group honors Serranus Clinton Hastings, first Chief Justice of the State of California and founder of the college in 1878. By 1878 Hastings was already a legendary figure. As a member of Congress (1846-48) from the newly admitted state of Iowa, he had rubbed shoulders with fellow Congressman John Quincy Adams, Stephen A. Douglas, Andrew Johnson and Abraham Lincoln. Chief Justice of Iowa for a year, Hastings was a 49er, actively involved in the events which led to the first California legislature and statehood. He became Chief Justice of California's Supreme Court in 1849. In 1851 he was elected Attorney General. The college he founded was not only the first law school in the West, but it would be one of only three law schools — Boston University and Harvard being the others — to require a three-year program for the LL.B.

Members of the Founder's Associates receive invitations to the annual Mathew O. Tobriner Memorial Lecture and to a private reception honoring the lecturer; invitations to the Dean's annual Donor Recognition Dinner; a monthly "inside report" from the Dean; parking privileges at the college; invitations to financial planning seminars conducted by members of the Hastings faculty; a periodic bibliography of selected subjects prepared by the Law Library; access to the college's WESTLAW computer research system; invitations to a quarterly round-table luncheon hosted by the Dean; a print of Serranus Clinton Hastings suitable for framing; discounts to programs of the College of Advocacy; and their names will be engraved on a plaque permanently displayed in the Dean's office. ■



William L. Blackfield '38

Blackfield Scholarship Established

A new scholarship has been established at Hastings in memory of William L. Blackfield, a 1938 graduate and former trustee of the Hastings Law Center Foundation.

A \$100,000 gift in the will of Mr. Blackfield, with payment accelerated by Mrs. Blackfield, established the scholarship. Mr. Blackfield, a successful

attorney and real estate developer, passed away last year.

Dean Bert S. Prunty said, "The William Blackfield Memorial Scholarship will be an important addition to the College's financial aid program. As the cost of attending Hastings inevitably rises, many outstanding students will require financial assistance in order to continue their studies."

"The Blackfield Scholarship will permanently honor Bill Blackfield, whose work on behalf of Hastings was an inspiring example for all our alumni. We are deeply grateful to Mr. and Mrs. Blackfield for their generosity in establishing the fund, and for Mrs. Blackfield's continuing commitment to Hastings." ■

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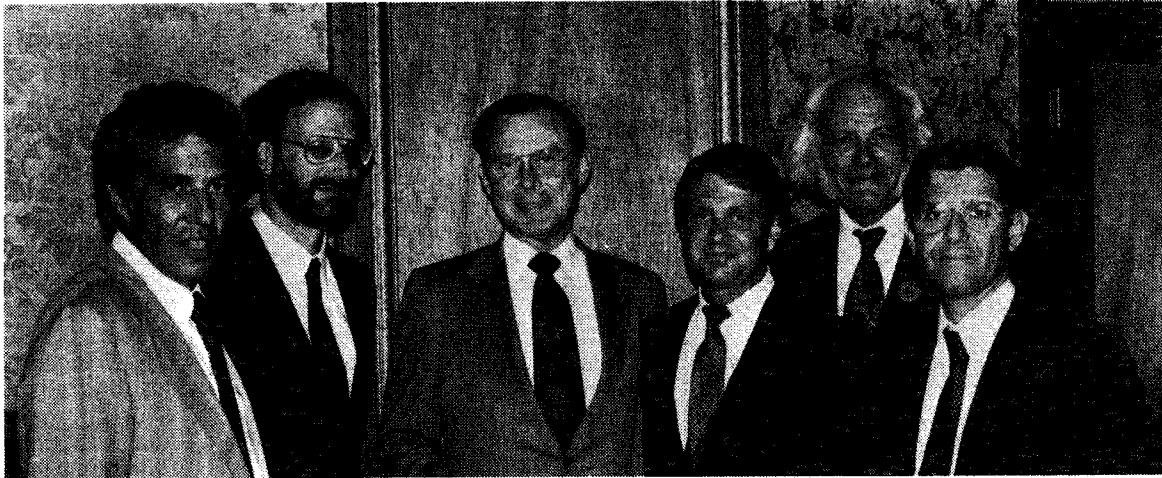
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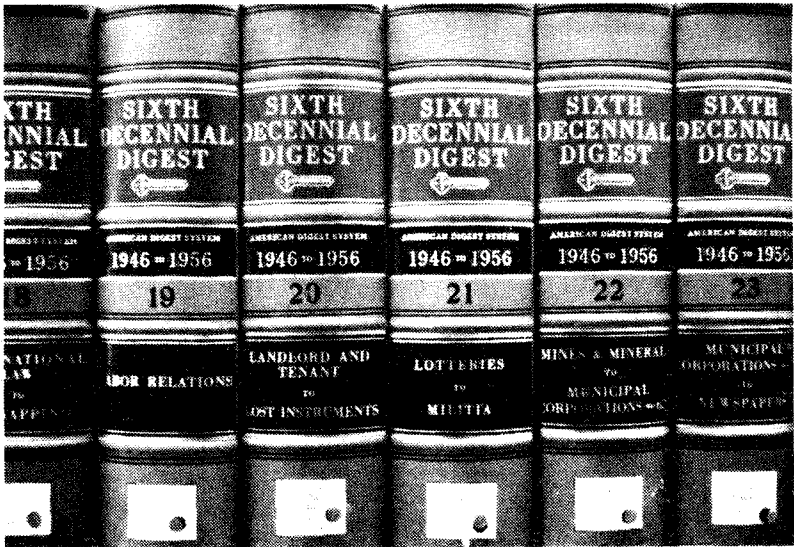
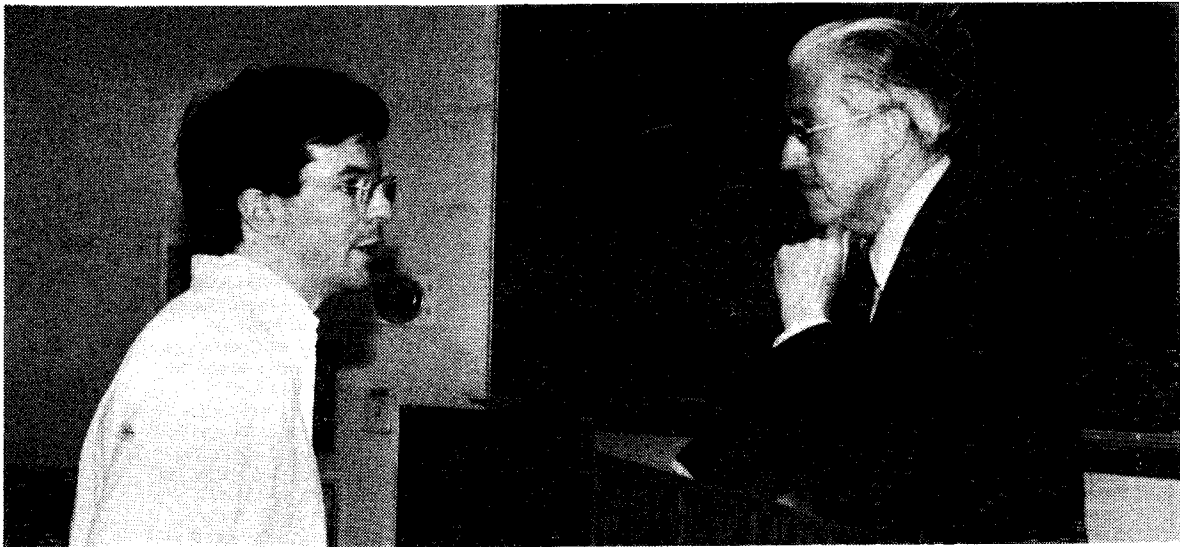
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Darryl D. Ott '67
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R. Joseph Owyang '80

P

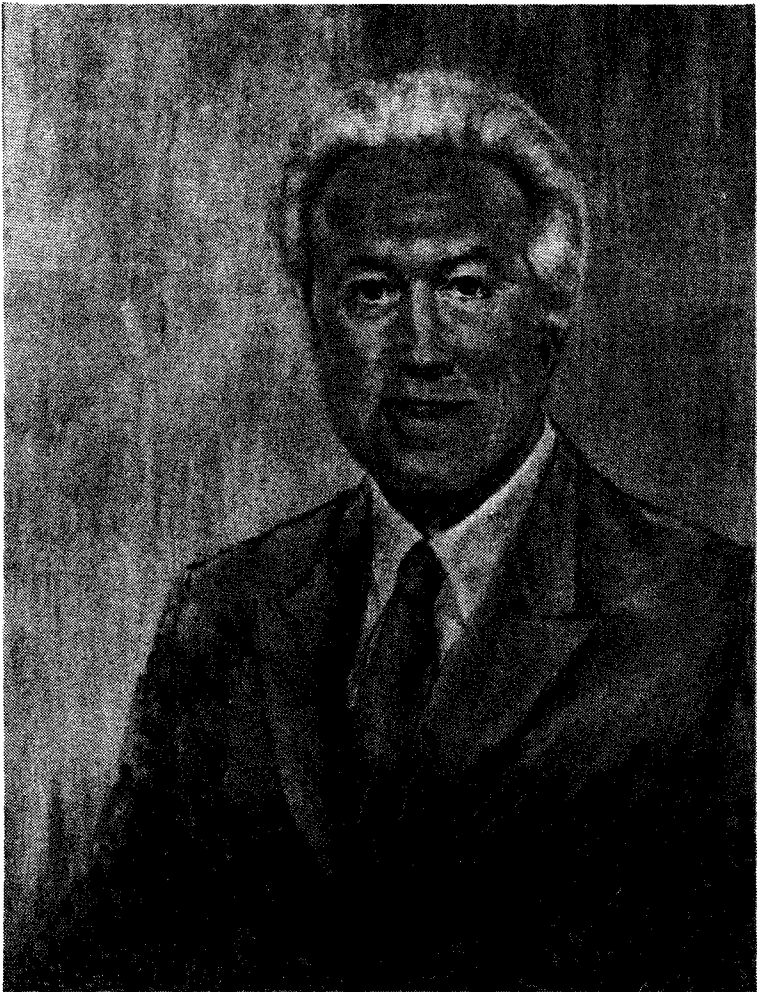
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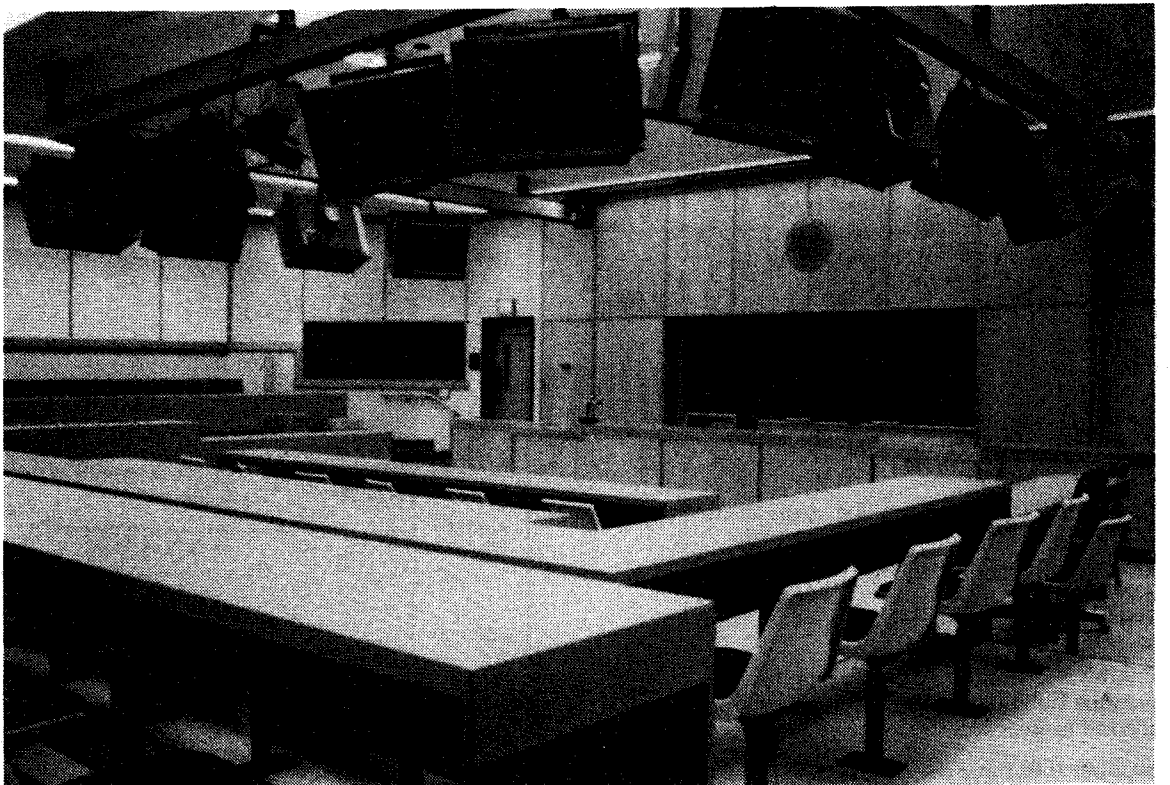
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Mrs. M.J. Siver
Sally Sklar '79
Brown B. Smith '67
Carolyn Rumph Smith '77
Jeffrey L. Smith '66
John L.B. Smith '75
John M. Smith III '79
Maurice E. Smith '52
Parker C. Smith '55
Patrick R. Smith '68
Paul B. Smith '65
Richard V. Smith '60
Thomas George Smith '71
W. Bailey Smith '69
Mr. & Mrs. Warren C. Smith
William J. Smith '68
Michael Snyder '68
Richard Neil Snyder '71
Joseph L. Soares '52
Frederick G. Soley '81
Michael T. Solomon '73
Richard Solomon '52
Susan Solomon
Mrs. Herbert L. Sommer
C. Darrell Sooy '69
Kurt H. Sorensen '68
Andrew Sorokowski '79
Mr. & Mrs. Carl B. Spaeth
Gary J. Spain '71
Philip Spalding '62
Mark S. Spangler '73
George V. Spanos '75
Charles R. Spatola, Jr. '68
Howard Spector '80
Gregory Scott Spencer '80
Hon. Leland H. Spencer '66
Clifford M. Spingler '67
Robert Damon Spitzer '75
Joseph L. Spray '51
Clare H. Springs
Hon. R.C. Staats, Jr. '38
John F. Staley '72
Lloyd Victor Stamp '52
Jack S. Stanley '52
Jerry L. Stanley '54
Stannard, Mignon & Milton
Marla Ann Stark '81
Charles P. Starkey '75
William Jeffrey Stearns '74
William C. Steffin '72
Merrill E. Steinberg '52
David Paul Steiner '74
Mark A. Steiner '79
John P. Stennett '76
Gregory W. Stepanicich '77
Hon. William H. Stephens '67
Claude M. Stern
Hon. Charles S. Stevens, Jr. '40
Jack C. Stevenson '56
Garfield Steward '48
Nancy Stewart '78
Theordosia B. Stewart
Timothy L. Stewart '80
Allan Steyer
Thomas F. Stimson '74
Robert Bruce Stirling '68
Theodore H. Stokes '57
Richard S. Stone '73
Lee Storelee
Jane Stratton
Loren E. Straughn '62
Jack W. Stricker '48
Hon. Chris Stromsness '67
Clarence A. Stromsness '48
Lance S. Stryker '74
Harry L. Styron '75

Stewart R. Suchman '69
Mr. & Mrs. Irv C. Sugarman
John B. Sullivan '80
John M. Sullivan '68
Joseph F. Sullivan '68
Michael Sullivan
Timothy P. Sullivan '73
Debra S. Summers
Steven Lee Sumnick '76
Paul D. Supnik '71
James Hepburn Sutton '71
Nicholas J. Sutton, Jr. '75
Sanford Svetcov
Douglas E. Swager '69
Thomas H. Swan '38
Mary J. Swanson '81
Kevin J. Sweeney '78
Marguerite Sweeney '78
Mr. & Mrs. John Swendsen
Hon. John A. Swenson '35
Peter Nash Swisher '73

T
Franklin P. Taft '63
William E. Taggart, Jr. '67
Hon. Taketsugu Takei '61
Henry Taketa '35
Frederick L. Talcott '75
Hon. Stephen K. & Mrs. Tamura
William S.F. Lew Tan '74
Kathy Tanaka '79
Fred L. Tanenbaum '66
Martin J. Tangeman '78
Lance F. Taniguchi '79
Christine Tanner '78
Ralph W. Tarr '76
John D. Taves '61
Jeffrey M. Taylor '74
John Landau Taylor '66
Maurice L. Taylor '62
Lewis W. Teel '74
Steve Emery Teich '77
John Keith Tempel '67
William P. Templeman '76
Paul J. Ten Doesschate '54
Rubin Tepper '51
John Teschke '79
James F. Thaxter '59
The Allstate Foundation
Alan H. Thiele '49
Hon. Donald Thomas '54
John Ralph Thomas, Jr. '66
Bernard G. Thompson '62
Charles M. Thompson '75
Harold B. Thompson '74
James H. Thompson, Jr. '76
Randall Lee Thompson '78
Dr. Vertis Thompson
William J.M. Thompson '64
Barry F. Thornton '79
Lawrence W. Thorpe '65
Thorpe, Sullivan, Workman,
Thorpe & O'Sullivan
Richard L. Thurn '60
William E. Tiffany '76
John Victor Tilly
Kay E. Tindel '81
Jack M. Tipton '60
Martin Titcomb '65
Mr. & Mrs. Raymond Toboni
Gordon N. Tocher '52
Today's Women
Michael D. Tom '75
Jack H. Tomlinson '37
William P. Torngren '73
Mr. & Mrs. John Torres
Michael B. Totaro '81
Harriette Treloar
James R. Trembath '64
Charles O. Triebel, Jr. '68
Orrington W. Tubbs '54
Michael Dean Tucevich '74
William Kingwell Tuck '65
Mark Logan Tuft '68
Marion Turner
William Bennett Turner
Clarice Turney '74
Sue E. Tuskes '80

U
Michael V. Ubaldi '74
Lloyd D. Uber '71
Mary Beth Uitti '74
Jon N. Unger '68
Lisa T. Ungerer '81



Renovation of Classrooms

<p>Thomas Louis Uniack '64 Segundo P. Unpingo '81 Anne Unverzagt '72 Jack Warren Urch '49 William R. Uрга '70 J.A. Uribe '67</p> <p>V</p> <p>Mr. & Mrs. Frank Valencia William Van Der Mei '74 Thomas Van Voorhis '59 Douglas H. Van Vlear '70 Neil B. Van Winkle '62 Paul W. Vapnek David B. Vaughn '72 Kristian Veaco '81 Theodore P. Veganes '64 William C. Venoil '75 Ann M. Veneman '76 Brenton N. Ver Ploeg '73 James H. Vernon '67 Vincent Lee Vesely '65 Rudolfo Victoria '52 George Minos Vlazakis '79 Anthonie M. Voogd '65</p> <p>W</p> <p>Yori Wada Arthur C. Wahlberg '38 Jack Wahrhaftig '52 Eugene J. Wait, Jr. '54 James F. Waite '77 Stephen H. Waks '74 Deborah S. Waldbaum '80 Richard W. Walden '55 Elizabeth Walker '75 George C. Walker '52 Keith S. Walker '76 Robert A. Wallace '76 William M. Wallace '52 Jack W. Walling '38 Mrs. Francis Walsh Professor Francis Walsh</p>	<p>James Warren Walsh '64 Joseph G. Walsh, Jr. '77 Richard S. Walter '78 Kent L. Walton '70 Janet R. Walworth Professor William Wang Mr. & Mrs. Robert Wardlaw B. Kent Warner '71 Julian R. Warner '69 Kathleen M. Warner '79 Harry F. Wartnick Edmund J. Wasp '78 James B. Waterman '53 Diane A. Waters '81 Howard K. Watkins '72 Hon. Reginald M. Watt '39 Michael T. Wayland '68 Miriam Waxman Richard L. Weatherspoon '62 William W. Webb '78 Michael Carl Weber '70 Ronald H. Wecht '75 Hon. Stanley A. Weigel Gregory N. Weiler '81 Gerald B. Weiner '69 Daryl Joseph Weinroth '80 Ivan Weinberg Dr. & Mrs. Harry Weinstein Steven L. Weinstein '75 Lynn D. Weir '79 William J.A. Weir '68 Gerald Gamliel Weisbach '78 Dr. & Mrs. Raymond L. Weisberg Bruce M. Weiss '67 James L. Welch '70 Philip H. Welch IV '75 Steven H. Welch, Jr. '48 John B. Weldon, Jr. '73 Bobbie Welling Robert R. Wellington, Jr. '66 Wells Fargo Bank James Milton Wells, Jr. '65</p>	<p>Frances Wenger Frank Hendrik Wentholt '70 Theodore S. Wentworth, Jr. '62 John M. Wentzel '65 Mr. & Mrs. Ralph Wertheimer Stephen M. Westbrook '67 Victor J. Westman '62 R. James Westwick '59 Warren C. Wetteroth '58 G. Byron Whealen '52 Edward A. Whipple '68 Seth W. Whitaker '78 Daniel M. White '75 Michael E. White '81 Richard C. White '42 Phillip L. Whitehorn '68 William D. Whiteman '81 Tommie W. Whitener '71 Christine C. Whitney '76 Rodney William Wickers '76 John Albert Wickland III '69</p> <p>Jack D. Wickware '53 Rebecca Louise Wightman '81 Philip Wild '81 Jeffrey C. Wilk '74 Hon. Howard B. Wiener Paul S. Wilcox '75 Paul Cooke Wilkins '70 Ellis J. Willett '52 Michel F. Willey '67 Glyndell E. Williams '74 Jeffrey R. Williams '78 Mary R. Williams '81 Robert D. Williams '72 Stephan C. Williams '65 David J. Williamson '74 Michael B. Wilmar '67 Sara B. Wilner '81 Daphne Dunn Wilson '78 David Hughes Wilson '57 Donald A. Wilson '68 Douglas E. Wilson '48</p>	<p>Elizabeth V. Wilson Margaret S. Wilson '78 Warren B. Wilson '51 Stephen Payne Wiman '72 Taylor H. Wines '40 William L. Wingate, Jr. '64 Robert V. Winkler '49 Benjamin R. Winslow '72 Jeanne Winslow '78 Gary B. Winter William M. Winter '68 Richard H. Wise, Jr. '66 Ernest Allen Wish '76 Stanley P. Witkow '73 Randall R. Wittman '78 Alvin R. Wohl '64 Steven C. Wolan '72 W. Bruce Wold '71 Griffith Bittner Wolf Rosalind D. Wolf '79 Elaine H. Wolff '79 Charles Foo Wong '48 Gordon Y.H. Wong '66 James I. Wong '80 William J. Wong '47 William J. Wong '76 T. David Woo, Jr. '71 Carolyn M. Wood '81 Dale E. Wood '68 Thomas S. Wood '68 Thomas L. Woodruff '65 Justice Wickson R. Woolpert William F. Worthington '28 William F. Worthington, Jr. '59 Edward M. Wright '57 Robert O. Wright '51 William D. Wright '61 Robert Scott Wrinkle '65 Mark Douglas Wuerfel '76 Randall W. Wulff '74</p>	<p>Frank E. Wyland, Jr. '56 Hon. Wayne Wylie '52 Michael S. Wyman '81</p> <p>X</p> <p>Xerox Foundation</p> <p>Y</p> <p>Ranko Yamada '78 Michael H. Yancey '79 Ralph Yanello '72 Elliot N. Yearsley '52 Stephen C. Yeazell Lynne M. Yerkes '81 Ellen M. York '75 Hon. Stanley C. Young, Jr. '52 Leland S. Young '50 O. Philip Young '62 Timothy J. Young '80 Michael R. Younger '80 Doris Yue '78</p> <p>Z</p> <p>Michael E. Zacharia '76 P. Gerhardt Zacher, Jr. '68 Gerald J. Zaninger '72 Constance M. Zeiger Mrs. Elizabeth W. Zeligs Mr. & Mrs. Edward M. Zeller Francine Zepeda '79 Hoyt H. Zia Mr. & Mrs. Joseph Zimmerman, Jr. Marc W. Zimmerman '81 Shelley Zimmerman '80 Ms. Angela Zink Edwin J. Zinman '72 Hon. Alfonso J. Zirpoli Tod I. Zuckerman '80 Mildred H. Zuemer Kenneth C. Zwerin '35</p>
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Contributions received prior to March 25, 1983 are listed.

By Jack Padilla
Budget Director

The Hastings budget, like your own budget, has undergone dramatic changes during the past five years, and the immediate future promises to continue some of the trends that have begun to surface in the recent past.

First, expenditures are up. In the overview that follows and the charts displayed, expenditures are grouped into three major categories: (1) Personal Services include salaries, wages and employee benefits for all academic and non-academic employees of the College. (2) Operating Expenses include all other expenditures for supplies, equipment, utilities, books, etc. (3) Student Financial Assistance covers loans, grants and work-study funds available from each year's appropriation.

Exhibit #1, *Expenditures Per Student By Fund Source*, graphically reflects the 65% increase from 1977-78 to the budget proposed for 1983-84 in total expenditures per student per year.

Personal Services reflect the most dramatic increase (84%) during these seven budget years. However, most of the increase occurred during the first four years in this period. The last three years reflect little or no growth in personal services, the single largest component of our total expenditures per student.

Operating Expenses have increased by 59% during the same seven-year period which also reflected the highest inflationary increases in our nation's recent history. Again, the recent trend is for little or no growth except for a one-time increase for library book purchases in 1981-82 when we occupied our new library facility.

Student Financial Aid expenditures per student reflect the smallest increase during this seven-year period. However, the overall increase of 14% is significant when viewed against the declining trend in the years immediately preceding the current year of 1982-83.

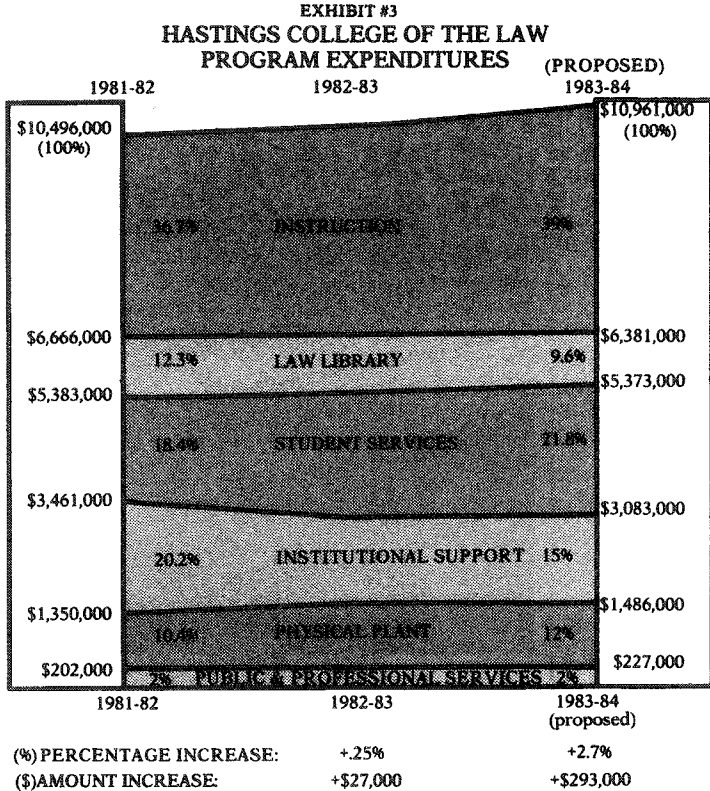
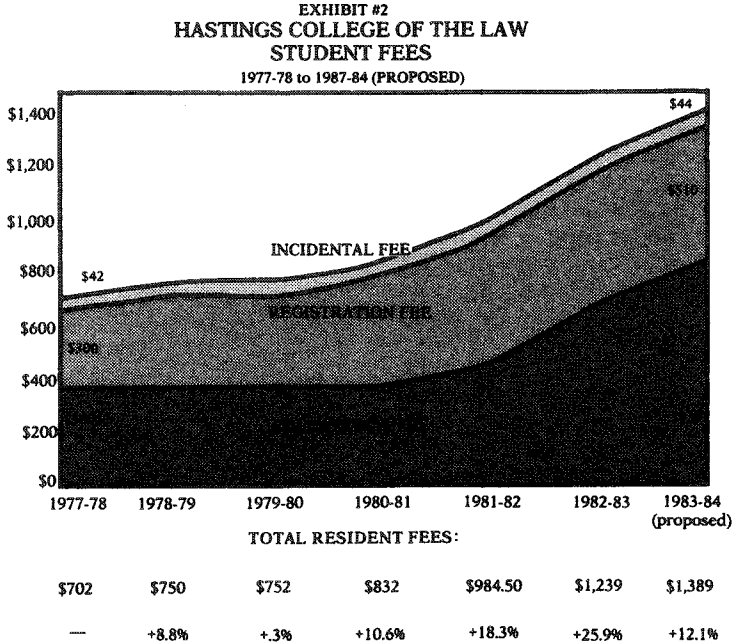
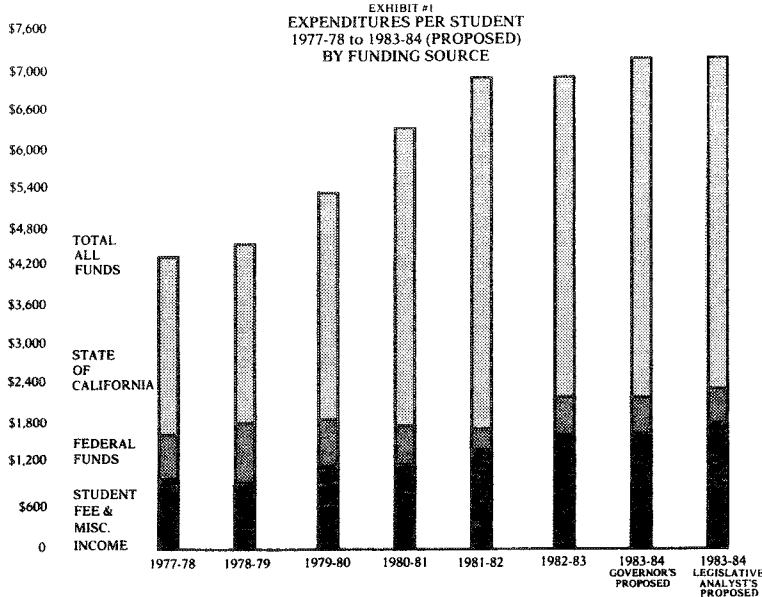
Exhibit #1 also reflects the three major fund sources which support our expenditures: (1) State of California's General Fund support, (2) Federal funds for student loans and work-study, and (3) student fee and miscellaneous income.

During these same seven years, the State has increased its support by 74% while Federal funds have declined by 13%. The most dramatic increase, 88%, has been in our Student Fee and Miscellaneous Income support.

Exhibit #2, *Student Fees*, reflects the reasons for the dramatic increase in our second largest source of support.

Student fees have risen by nearly 98% from the \$702 per year per resident

Analysis of Hastings' Budget Trends 1977-78 to 1983-84



student in 1977-78 to the \$1,389 proposed for our 1983-84 resident students. Non-resident tuition has risen by 76% from \$1,905 to \$3,360 (proposed) for 1983-84.

Exhibit #3, *Program Expenditures*, looks at the past, current and proposed budget years which have been and propose to be the three years with the smallest growth in total expenditures, and highlights recent trends in where our resources are spent. The Instruction Program consists of our classroom and clinical instructional activities that constitute our primary mission. Almost all of our small (2.7%) increased support has gone to our most important program: instruction of our 1,500 students.

The Law Library's expenditures appear to be decreasing during the same three-year period. In fact, 1981-82 was an unusual year for our library since additional one-time support was provided for a major collection development effort when we initially occupied our new and expanded library facility. Law Library expenditures have been maintained at relatively normal levels. Student Services (including Placement, Student Health, Student Records, Admissions, etc.) and Student Financial Assistance have seen their share of total resources grow in the three-year period.

The Institutional Support Program, which consists of academic and non-academic administrative offices and services, has experienced the largest decline in the proportion of total resources. These administrative offices, such as Accounting, Alumni and Development, Personnel, Purchasing, Copy Center, as well as the offices of the Dean and Academic Dean, have continued to provide services with significantly reduced levels of support.

Lastly, the expenditures to run and maintain our Physical Plant have increased from 10.4% to 12% in the proposed budget year 1983-84. Significantly, Physical Plant expenditures have increased only slightly and not nearly as much as they could have when compared to industry price indexes for building materials, supplies and utilities.

The trends which Exhibit #3 illustrates are all the more remarkable in view of the little change in our total funding levels during these three years. The current year of 1982-83 reflects a .25% or \$27,000 increase over the prior year and the proposed budget for 1983-84 represents only a 2.7% increase or \$293,000 over the current year.

Thus, with limited increases in funding, the College has allocated its resources in increasing proportions to the Instruction, Law Library and Student Services Programs.

FACULTY

Faculty Notes

Professor Wayne Brazil has been appointed by Chief Judge Robert F. Peckham to chair a task force to study ways to expedite civil litigation in the United States District Court for the Northern District of California. Among other things, the task force is assessing the court's mandatory arbitration program and exploring procedures the judges might use to facilitate earlier settlements.

In late November, Professor Brazil participated in the A.B.A.'s National Conference on Discovery Reform, held in Austin, Texas. Studies produced by Professor Brazil for the American Bar Foundation were used to focus discussions and to stimulate suggestions for improving the discovery system.

The winter 1983 issue of the *American Bar Foundation Research Journal* will include an article by Professor Brazil entitled "Referring Discovery Tasks to Special Masters: Is Rule 53 a Source of Authority and Restriction?"

The 1982 report of the Law Reform Commission of Canada states on page 192: **Jerome Hall** (1901-) is considered one of the foremost American legal writers of our time. His many works include: *General Principles of Criminal Law* (2nd Ed. 1960); *Theft, Law & Society* (2nd Ed. 1952); *Studies in Jurisprudence and Criminal Theory* (1958); *Foundation of Jurisprudence* (1973)."

Professor Leo Kanowitz' new article "American Labor Law and the U.S. Space Shuttle", which explores a variety of labor law questions arising on earth and in outer space in connection with the space shuttle's operations, will appear in the April issue of the *Hastings Law Journal*.

This summer, Professor Kanowitz will teach, in French, at the University of Nantes in France. Entitled "Aspects of American Labor Law," the Nantes course will acquaint French law students with the American law of collective bargaining, strikes and lockouts, employment discrimination and arbitration in the private and public sectors of the economy. Professor Kanowitz also has accepted an invitation to lecture in the summer 1984 Kyoto American Studies Seminar in Kyoto, Japan, which is jointly sponsored by Kyoto University and Doshisha University. His Kyoto lecture series, addressed to Japanese professors and scholars over a two-week period, will be entitled, "Sex Discrimination and American Law".

Hawaii greetings from **Professor Thomas Kerr**: "Aloha! My house is half finished and my love, the law, seems far away."

During the fall, **Professor Rudolf B. Schlesinger** attended an advisory committee meeting of the Dana Fund for International and Comparative Legal Studies, in San Francisco. The Committee approved grants totaling almost \$250,000; the competition was so strong the majority of applications had to be rejected.

During the fall term, he was the principal speaker at a dinner meeting of the Cornell Law School Alumni Association in New York City. The \$250-a-plate dinner was attended by almost 300 Cornell Law School alumni, including two former secretaries of state, Edmund S. Muskie and William P. Rogers. Special guests included the governor of New York. The topic of Professor Schlesinger's speech, which was intended to honor some of Cornell Law School's outstanding alumni, was "The Law School as Breeding Ground of Talent Ideas."

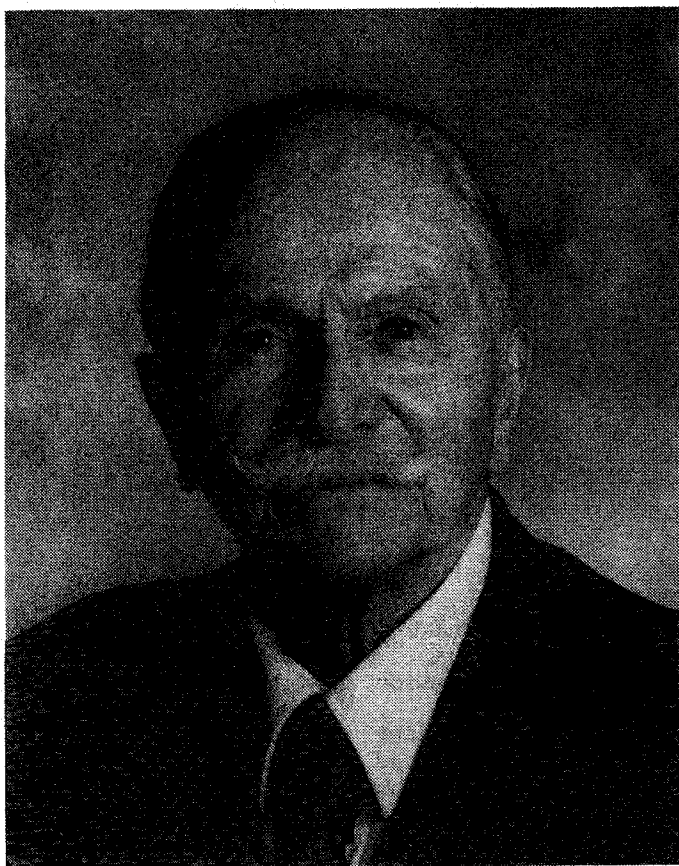
e. robert (bob) wallach, Dean of the Hastings Center for Trial and Appellate Advocacy and a well-known trial lawyer, has been confirmed by the Senate of the United States as a member of the U.S. Advisory Commission on Public Diplomacy.

Dean wallach was sworn into his position at a luncheon reception at the White House January 24 by his long-time friend Edwin Meese III, Counselor to the President. The swearing-in ceremony, attended by close friends and family, took place in the Roosevelt Room, in the West Wing of the White House.

The U.S. Advisory Commission on Public Diplomacy is an independent bipartisan citizens commission created by Congress to conduct a continuing overview of the U.S. International Communications Agency. A seven-member commission is appointed by the President and serves as a public trustee with the task of assessing the policies and programs of the agency. It reports its findings and recommendations to the President, the Congress, the Secretary of State, the Director of the USICA and to the public.

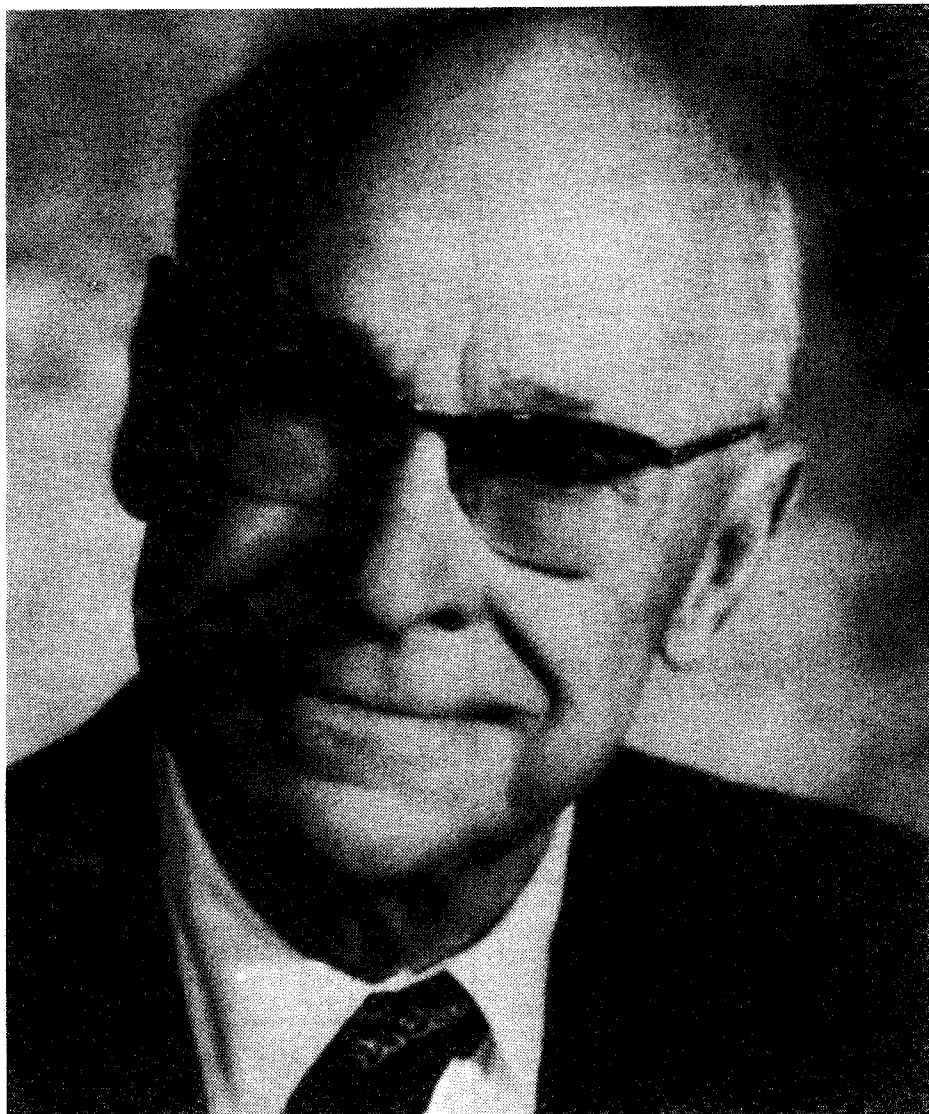
Professor Vivian Deborah Wilson's article, "The Law of Libel & The Art of Fiction" (*Law & Contemporary Problems*, Autumn 1981, Number 4) will be reprinted in Clark-Boardman's forthcoming book on entertainment law.

Perkins Celebrates 94th Birthday



Professor Emeritus Rollin M. Perkins celebrated his ninety-fourth birthday on March 15 at his home in Davenport, Iowa. He completed the third edition of his text on criminal law last fall and is currently working on the sixth edition of his casebook. Cheers to you, Professor Perkins!

Richard R.B. Powell 1890-1982



Professor Emeritus Richard R.B. Powell

Richard R.B. Powell, scholar, lawyer and teacher, was born October 11, 1890, Rochester, New York, and died November 13, 1982, Mills Memorial Hospital, San Mateo, California.

Professor Powell graduated from Columbia Law School in 1914, concurrently earning a master of arts degree in political science. He pursued the practice of law in Rochester until 1921, when he returned to Columbia as a member of the faculty. He taught at Columbia for the following 38 years.

He was recognized as the foremost authority in property law in the United States. His casebooks continue to be widely used in law schools throughout the nation. His contributions to the Restatement are excelled by none. Nor is there any treatise which matches his

comprehensive six volume magnum opus, *Powell on Real Property*.

In 1954 he served as chairman of Columbia's bicentennial celebration and received in recognition of his achievements an honorary LL.D. degree.

In 1963 he was invited to serve on the faculty of Hastings College of the Law; and, as a distinguished member of the celebrated 65 Club, he taught at Hastings from 1963-1976. His latest publication is *Compromises of Conflicting Claims: A Century of California Law, 1760-1860*.

Professor Powell is survived by his wife Alice Thompson Powell; children Margaret P. Baker and Richard G. Powell; four grandchildren; and seven great-grandchildren. ■

Visiting Faculty

Joseph T. Henke, a professor since 1971 and former acting dean at the University of San Francisco, is teaching Property Part II during the spring term. Professor Henke earned his B.A. from Amherst; LL.B. from the University of Washington and LL.M. from New York University Law School. A Fellow in Law and the Humanities, Harvard 1975-76, he teaches in the areas of community property, humanistic perspectives on the law, land use, and real property.

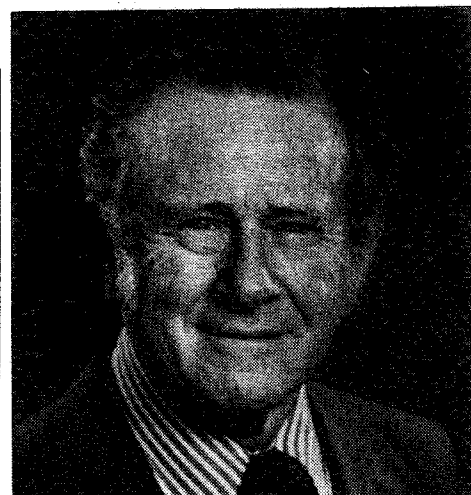
Professor Hiroko Hayashi, of the Kumamoto University of Commerce, Japan, is a visiting scholar during the spring term. While here, Professor Hayashi is researching problems of American worker compensation laws,

occupational safety and health issues, and the area of products liability. In Japan, Professor Hayashi teaches courses in labor and social security law. She is the author of many scholarly articles, and among her books are: *Working Women in Japan*; *Discrimination Resistance and Reform*, written with Alice H. Cook and published by the Cornell University Press in 1980; *Case Studies of Social Securities*, written with S. Araki and published in Japan in 1979. Professor Hayashi also has translated several English books into Japanese, including an autobiography of Golda Meir. Her stay at Hastings is supported by the International American Studies Fellowship granted by the American Counsel of Learned Societies. ■

Hastings' First "Great Advocate Award"

The Hastings Center for Trial and Appellate Advocacy has named the first recipient of its Hastings Great Advocate award, Joseph A. Ball of Long Beach. Mr. Ball, of Ball, Hunt, Hart, Brown & Baerwitz, is considered the dean of American trial lawyers.

The award was presented on March 18 during the Center's week long Spring Advocacy Training Seminar. Mr. Ball presented a lecture and demonstration of final argument, and James J. Brosnahan, Morrison and Foerster, provided the defense final argument. e. robert wallach, Dean of the Center, moderated the award and lecture program. ■



Joseph A. Ball

Hastings' 65 Club

continued from page 3

their leadership in legal education, and the abundant contacts with bench and bar derived from such eminence. Perhaps such eminence comes as no surprise—involvement and honors are the expected lot of professional leaders. There are other dimensions to the 65ers, however, which are just as appreciated within the walls of the College as their extramural eminence. Miguel de Capriles, an Olympic medalist in fencing, who came to Hastings from NYU in 1974, received a special Olympic Order Medal in 1976 for his long contributions to the sport. George Osborne was an avid football fan, his loyalties in the Big Game torn between Cal, where he had been a student, and Stanford, where he had taught for 35 years. Fittingly, the Hastings rugby team has been named in his honor.

In a college where for many years student support assistance was negligible, 65ers, their old students and friends in their honor, have made notable contributions to scholarship and loan funds for Hastings students. Two of the three endowed chairs were given in honor of 65ers Robert W. Harrison and Roger B. Traynor. The video tape library center was given by e. robert wallach in honor of William L. Prosser, who had taught wallach at Boalt. The Thurston Society, the College's first honor society, and the David E. Snodgrass Moot Court Competition commemorate two 65ers. The College community's appreciation of the work and the persons of the 65ers over the past four decades is caught up in such memorials, but the true measure of Hastings' affection and respect for the 65ers is apparent in the admiration of its students for vigorous professors a half-century older than they are.

It is amazing to an outsider how easy the relationship is between students and teachers so markedly older than they. This appears always to have been the case, judging by the recollections of old alumni who remember the early 65ers and those of the 1960s. In a society that has made a cult of youth, an aged professor is generally considered unable to "relate" to "young people," a figure to be treated with indifference; perhaps his fearsomeness to be feared, but not to be taken entirely seriously. This has not been the case at Hastings. Until the last decade there were no regular and only a few part-time teachers young enough to match society's image of the kind of teacher likely to be effective in teaching young people. For some 30 years, Hastings students have had to get used to men older than their fathers and even their grandfathers providing them with the bulk of their instruction in the law.

Doubtless, in individual cases this took some getting used to. Some 65ers were crotchety and short-tempered—but they probably had been when they were younger. A few continued teaching too long; yet the overall record is one of men no less intellectually and physically vigorous than teachers elsewhere half their ages. The students responded with a special kind of respect that was comprised as much of love as of recognition of a fine intellect. When "Mac"—for everyone at Hastings called Oliver Le Roy McCaskill that—reached his 75th birthday in December 1952, student after student presented him with a shiny red apple. This affectionate salute to a skillful teacher and kindly man was the last—and probably the highest—honor that that much-honored professor received, because he died just a few weeks later.

The grand old men of the 65 Club, the sweet and the irritable, the loquacious and the taciturn, the bold and the diffident, made an impression on the minds of their young charges that has proven indelible and vital long after the professors have gone and the students themselves have drawn close to 65. These alumni recall that they had been taught by great men, known the encouragement and the reproof of great men, been touched by great men. This remains a badge of pride, a mark of difference creating a particularly fond memory of times—and of great men—past. Memories of times past are not memories of times lost when greatness, though aged, has been verdant, and when the verdancy lives on.

Only a much fuller treatment could do justice to the men, their scholarship, and their important contributions to

Matching Gift Offered Keith Collection Proposed

Dean Bert S. Prunty has announced his intention to build a permanent collection of the works of California's premier landscape artist, William Keith, for the College's Art Gallery. Keith was married to Hastings' first female graduate Mary McHenry Keith (1882).

The Dean has recently carried his request to the Boards of the Alumni Association, 1066 Foundation, and the Law Center Foundation, saying that his interest in Keith's work grows from an exhibit held in the college's art gallery in 1982 which featured several "Keiths" on loan from Bay Area museums and galleries. The exhibit was organized by the gallery's curator, Mrs. Ruth Schlesinger.

Law Center Foundation Trustee John Huntington, '67, responded by offering the loan of a Keith Marin County landscape he owns, as well as an offer of \$6,500 to be used to match the gifts of other Hastings alumni who contribute to the Keith Endowment Fund.

The Dean explained that the permanent collection was part of a concerted effort to enhance the quality of life at Hastings by offering cultural and recreational opportunities which are available at law schools attached to university campuses. Hastings is the only freestanding major law school in the country, and the college is committed to providing a rich and rewarding living and study experience for its students.



Mary McHenry Keith

Hastings is one of only three law schools in the country with its own art gallery. The other two are Harvard and Cornell. Alumni and friends able to assist in building the permanent Keith collection are asked to call Dean Prunty's office at (415) 557-3260. ■

Hastings' 65 Club

Restatement, model codes, legislative drafting, service on commissions, advisory work to government, practice, government service, and on the bench. In the history of Hastings College of the Law, however, what will be remembered most about the 65ers is that they were teachers. To their honor, perhaps even their glory, the distinction of their teaching rests heavily on their distinction as scholars. With the 65 Club, Hastings moved forward from being merely a law school—and a good one—to being a distinguished law school staffed by a distinguished, scholarly faculty. This was the seed of greatness, which planted, flourished. The 65ers have set the standard for the younger teachers who are now increasingly taking up their elders' burden. In institutions, nothing of greatness is lost unless the best is not followed by the best. It is not to discourage the new generation of younger faculty to remind them how high they must aim. ■

Child Care Center Update

"What a difference this center makes for law student parents!"

With this comment, San Francisco Board of Supervisors' President Wendy Nelder sums up the feelings of many alumni who recognize the vital importance of child care as a student service. Nelder '64, is among the growing number of Hastings grads who are rallying to support the urgently needed relocation of the center to 100 McAllister Street.

The program, beset by increasingly intractable physical plant problems at the current site, needs to move by the end of 1983. Hastings alumni, students, faculty and staff are joining with child care advocates, local corporations and foundations to support this effort. \$60,000 of the \$200,000 needed has been raised.

A special thanks to all the Hastings community supporting this important move.

To send a donation or receive more information on the relocation, write: Hastings Child Care Center 200 McAllister Street San Francisco, CA 94102 ■

From the Dean

continued from page 2

Nanning itself is clean, quiet and pretty. It is very near the Vietnamese border and is not a tourist city. If there were any other foreigners there during our stay we did not encounter them nor learn of them. The People's Liberation Army may or may not control Nanning, but it is much in evidence. It was not, however, an oppressive presence. Although the PLA embraces all aspects of the Chinese forces (air and water as well as land), it appears to this casual observer to be a somewhat loosely knit organization with multifaceted responsibilities including construction and public service as well as defense. China seems incapable of inspiring the kind of dread I associate with Nazi Germany and modern Russia. This is not



Contradictions

to say one is unaware of being in a police state. The dehumanizing process of "socialization" has been carried to the point of eliminating the individual entirely. A person is assigned to one or more "units" in which collective decisions are made for every aspect of life, all in the name of the greater good. To westerners in general and Americans in particular there is a price here that will never be paid; but in China they have paid that price and the system is working at the moment. Two members of our little group had spent time in China before the Communist takeover,

From the Dean

and they confirmed what the record indicates to be a significant improvement in the material welfare of the people.

Since 1949 infant mortality has decreased sharply, longevity has been increased, malnutrition remains but starvation is gone, most people have some type of shoes and education has been extended remarkably. No one we met or observed exhibited discontent or furtive aspiration. The people of China seem endowed with incredible reservoirs of patience and introspection; and they appear willing to allow their current leaders time to brighten their lives and their nation.

After leaving the Autonomous Region we flew to the great port city of Guangzhou (Canton) where we were surprised to be housed in an official Government Guest House under control of the army. This treatment is normally reserved for much more prestigious visitors such as heads of state or official negotiating parties. We were flattered but found the facility a little remote. From Guangzhou we visited the ceramic center of Foshan before going to Shenzhen where we spent our last few days in mainland China. Although Shenzhen is still in the province of Guangdong, it has been constituted a Special Economic Zone and is under the direct control of Beijing. It is really an experiment in partnerships between socialism and capitalism for economic development. Foreign investment is welcomed and special laws relating to property, labor and taxation are designed to attract it. Among these special laws the most interesting is the one setting aside the notorious "Iron Bowl Policy" of Mao. Through the symbolism of promising everyone an unbreakable iron rice bowl to replace the traditional but fragile ceramic one, Mao put in place a national policy of permanent full employment. It amounts to a nation of tenured labor at all levels, and it is doubtless one of the heaviest burdens born by the current leadership. Occasional news items reveal its erosion in selected sectors of the Beijing economy, but in the Special Economic Zone it is simply set aside by statutes giving management the right to fire. Without this change no western money could be recruited. As it is, construction is underway throughout the zone, and four or five new factories are in production of electronics, toys, sea containers, and luxury pleasure boats. All products are for export only. The

What Should Law Schools Teach?

continued from page 5

counsel knew or should have known that they were part of an ongoing fraud.

Hence the precise questions of proper ethical standards for our profession emerge:

- (1) When counsel represents a corporation, and an officer of that corporation tells counsel of his misconduct, should counsel inform the corporation?
- (2) In the above circumstances, when counsel knows that his opinions are being relied upon by third parties in their dealings with the corporation, should counsel advise such third parties?
- (3) Under what circumstances can counsel reveal what he has been told?

I suspect that by now you all will have identified these issues as the subject of the recent debate before the House of Delegates of the American Bar Association concerning the Kutak Report. That debate reached the height of principled discourse in the comment of one of the opponents to approval of the report:

"Albert Jenner, a Chicago lawyer who represented Allen Dorfman, an alleged underworld financier murdered last month, said Mr. Dorfman told him 'everything' about his financial activities under investigation. If the commission's rule were to be adopted, he said, 'I could have been required to disclose. I don't want to be assassinated.'"

In appraisal of the above, you should note that Dorfman had been convicted of a conspiracy to bribe a United States Senator, and to misuse the assets of a teamster's pension fund in that connection, and was awaiting sentence when murdered.

The House of Delegates' answer to the questions posed were that representation of a corporation means, as Mr. Jenner put it,

"When you become counsel to a corporation, you represent the corporation and also its officers."

Hence, if counsel for the corporation finds that its officers and directors are looting the company, he must remain silent. He may resign but that is all.

The *New York Times* in a recent editorial entitled "Lawyers for Hire for Anything?", after noting the OPM case, summarized the ABA action:

"It voted to prohibit a lawyer thus misused from telling anyone the

truth. With few exceptions, the rule appears to leave the lawyer only one way out: to resign the account without explanation. The exceptions are for cases of perjury in the lawyer's presence, risk of death or imminent bodily harm and self-defense, when the lawyer is sued for malpractice or can't collect his fee. As adopted, this rule comes close to saying that client confidentiality may be sacrificed to protect a lawyer's financial interests, but no one else's. It is hard to believe that a profession built on words cannot define a higher standard."

What was the argument on the other side?

"A lawyer's first responsibility is to the client. That means the attorney is forbidden from revealing a client's secrets. Otherwise, the lawyers say, clients would refuse to tell their attorneys the truth and the American legal system — which depends upon the right of each person to legal representation — would be undermined."

"Professional responsibility and the thrust of public policy are functions of jurisprudence."

The premise that "a lawyer's first responsibility is to the client" falls within the comment of Mr. Justice Holmes that:

"General propositions do not decide concrete cases. The decision will depend on a judgement or intuition more subtle than any articulate major premise." *Lochner v. New York* 198 U.S. 78.

It is at this point that Professor Powell and the responsibilities of law schools of what they ought teach all fall together. Professional responsibility and the thrust of public policy are functions of jurisprudence; the statement that a lawyer's *first* responsibility is to the client would never be made by any lawyer educated and schooled in the

evolution of systems of justice as societal methods of conflict resolution. The blythe assumption that representation of a corporation automatically carries with it the representation of defaulting officers and directors can be made only in ignorance of the historic role of the English Chancellors following the Wars of the Roses.

Lawyers have been and must be far more than well-educated "hired guns". There is significance in the statement that they are "officers of the court".

Our profession is heir to that jurisprudential heritage; as teachers of the law our tasks are to insure that the next generation of lawyers, judges, and yes, even professors of the law will respect, preserve, and expand that heritage built upon a passion for justice, equity, and fairness, and never for sale to anyone. ■

AT&T Divestiture

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embedded CPE base. Eventually, all CPE is to be deregulated, but the FCC has yet to decide on a transitional accounting mechanism for old CPE. By contrast, the Settlement provides that by January 1, 1984 the BOCs are to transfer all embedded CPE to AT&T.

The operating telephone companies, both the BOCs and Independents, are going to have to scramble to carve a solid niche in the deregulated CPE marketplace. The large Independents, particularly those who have successfully diversified in the past few years, have a decent chance to fare reasonably well. They will attempt to offset a drop in revenues from their regulated activities with revenues from detariffed sources, with the net effect appearing on the holding company's consolidated balance sheet. Smaller Independents, by contrast, are "Mom and Pop" operations, and lack sufficient capital to diversify. They will face the unenviable prospect of having to replace lost revenues solely out of regulated operations. In other words, they will have to convince state Public Utility Commissions to sharply raise local rates.

Structural Problems of AT&T

Just how competitive AT&T's unregulated subsidiaries will prove to be depends in large measure upon the final shape of the Modified Final Judgement. As currently laid out, the BOCs are viewed warily by investors. Moody's, the prestigious bond rating service, recently slightly down-graded the credit ratings of AT&T and most of the BOCs. AT&T is divesting by far the most highly capital and labor-intensive segment of the Bell System. Moreover, that segment will face most, if not all, of the future external financing burden, while possessing the least growth potential. Though AT&T has divested roughly two-thirds of its assets (nearly \$80 billion), it has retained two-thirds of its revenues and the business which holds out the best promise of future profits. In an interview with the *Los Angeles Times*, the Chairman of Contel, the third largest telephone Independent, assessed the impact of the Settlement with mordant precision: the DOJ "took dead aim at AT&T and shot everybody else in the ass!"

The BOCs: Are They Viable?

Much of what transpires after final divestiture will be determined by how strong (or weak) the BOCs prove to be. Key questions include: (1) their financial structure, (2) the breadth of their revenue base, (3) the degree of organizational support they receive from AT&T, and (4) whether the BOCs will be entitled to use the Bell trademarks and patents.

The Plan provides for a 45% limit on the debt-equity ratio to be assumed by the BOCs, with the exception of financially strapped Pacific Tel & Tel for which the figure is 50%. By contrast the new, unregulated AT&T will carry a debt-equity ratio of only 36.6%.

The degree to which the prospective profit picture for the BOCs will be impaired also hinges upon the manner in which the existing service areas of the Bell System are ultimately divided up. Under a proposal filed by AT&T on October 4, 1982, 161 Local Access and Transport Areas ("LATAs") will be

AT&T Divestiture

carved out of the Bell operating network. The Settlement established two broad guidelines for formation of the BOC service areas: (1) they should roughly correspond to the Census Bureau's Standard Metropolitan Service Areas measure, and (2) they should be units which serve areas having "common economic, social, and other purposes." The eventual size of the LATAs is of more than academic significance. Intra-LATA toll revenues will be allocated to the BOCs, while competitive long distance carriers will vie for the inter-LATA toll market. For major operating companies, as well as inter-exchange carriers, the LATA boundaries will therefore carry important ramifications for the profitability of competitive long distance service. MCI has estimated that roughly one-half of the total long distance toll market would fall within what under the current plan would be intra-LATA toll allocable to the BOCs. Competitive carriers face a dilemma: On one hand the more viable the BOCs prove to be, the less powerful will be unregulated Bell. However, the other side of the coin is that if the BOCs become more profitable by virtue of their ability to siphon off toll revenues from other carriers, the result will at best be a Pyrrhic victory for Bell's competitors. Therefore, it is crucial from the perspective of such carriers that any improvement in the outlook for the BOCs be derived from sources other than long distance toll.

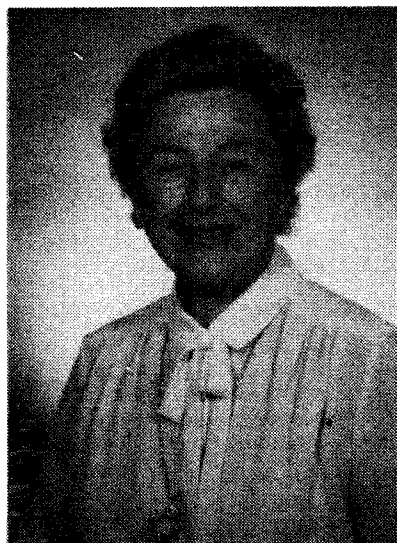
An unresolved issue is the role to be played by the Central Staff Organization ("CSO"). As currently laid out, only AT&T seems satisfied with the degree of support the BOCs will receive from the new CSO. Probably the most significant issue within the labyrinthine maze of internal organizational relationships is whether the existence of the CSO will interfere with the terms of equipment procurement by the BOCs. Will the BOCs be hampered by the CSO as to what equipment they can purchase and the terms upon which the procurement will be made? GTE Corporation, the largest Independent, filed Tunney Act comments before Judge Greene asserting that the "net effect of the centralization of procurement functions will be to establish a monopsony, one huge buyer in this country focusing on particular types of equipment."

Much adverse comment has been directed at the intention of AT&T to retain the Bell trade name and patent provisions. Since public recognition of the Bell name, presumably for the better notwithstanding the notorious gripes about "The Phone Company", is as high or higher than any other corporate name, were the BOCs to lose the right to use the Bell name it would no doubt adversely impact their business. As GTE also pointed out in its Tunney Act comments, the BOCs would have a strong incentive to purchase equipment from Western Electric in order to benefit from product identification with the Bell name. From the standpoint of the Independents and the OCCs, it would be better if the BOCs retained the Bell name rather than American Bell and Long Lines, AT&T's entrants in the CPE and long distance markets, respectively.

Conclusion

Major uncertainties persist regarding the post-divestiture market. Some of them are what one would naturally expect in the wake of any large scale deregulation. The opening up of a vast new market, especially in a field as fluid as telecommunications, guarantees that early entrants must navigate in hitherto uncharted waters. It remains for Judge Greene, the FCC, and Congress to establish a clear federal regulatory framework which will minimize the additional unpredictability induced by federal or state regulatory action. Should distortions persist, they will prove destructive to the goal of all: the creation of a diverse, competitive telecommunications marketplace without undermining the viability of universal, basic telephone service which has been the hallmark of fifty years of telephone regulation. If implemented in a manner fair to all concerned, the divestiture may further both objectives, but as presently structured it leaves open questions about whether truly evenhanded competition will exist and quality local service will continue. ■

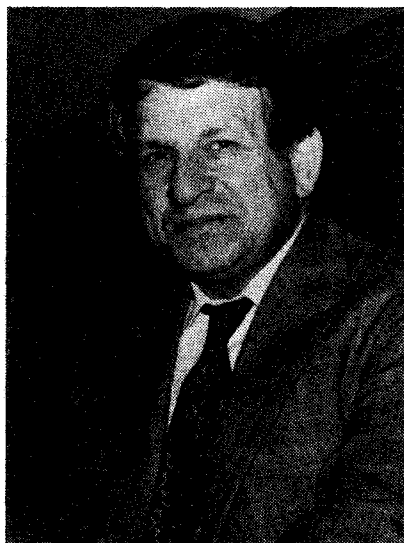
Law Center Foundation Two Trustees Elected



Cecilia Blackfield

Mrs. Cecilia Blackfield, of Oakland and Honolulu, and Professor Peter K. Maier, of San Francisco, were elected to the Board of Trustees of the Hastings Law Center Foundation at the board's February 8 meeting.

Mrs. Blackfield, who recently established the William Blackfield Memorial Scholarship Fund at Hastings (see page 1), is a graduate of the University of California. She pursued graduate study in education at Harvard and Columbia, and received her M.Ed. from San Francisco State Teachers College. She taught social studies for several years, and has been active in community work in the Bay Area and Hawaii. She is a past president and trustee of Children's Hospital in Honolulu, and has served for



Peter K. Maier

ten years on the boards of the Heart Association and the Cancer Society.

Professor Maier is a graduate of Claremont Men's College, received his J.D. from Boalt Hall, and earned an LL.M. from N.Y.U. He has taught at Hastings since 1966, and specializes in taxation. A partner in the San Francisco firm of Winokur, Maier & Zang, Professor Maier is a member of the Order of the Coif, and of the Committees on Taxation of both the San Francisco and State Bar Associations. He is the author of "The Attorney-Client Privilege in Tax Matters" (1962); "Deductibility of Expenses Incurred in Corporate Reorganizations and Liquidations" (1968); "Income Taxation of Real Estate" (1975); and *Tax and Financial Planning for Lawyers and Executives* (1979) (2nd Ed., 1980). ■

EX LIBRARIUM

This is the first of a series of bibliographies on select subjects which will be published periodically in The Hastings Community and which will be provided regularly to members of the Robert W. Harrison, John Norton Pomeroy, Mary McKenry Keith Societies and the Founder's Associates.

By Gail Winson
Associate Librarian

The information in this bibliography was obtained from two computerized systems used by the library for cataloging and for reference services. Research Libraries Information Network (RLIN) and On-Line Catalog Library Center (OCLC) contain bibliographic information on the collections of research libraries throughout the nation.

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*Silver, Bertram S. *How to Make a Better Profit in the Law Office Year After Year*. San Francisco: Three L Press, 1978. 130p.

*Strong, Kline D. and Duke Nordlinger Stern. *Docket Control Systems for Lawyers: The Most Effective Means to Avoid Malpractice Claims*. Chicago: ABA Section of Economics of Law Practice, 1981. 47p.

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*Strong, Kline D. *Retrieval Systems for Lawyers: How to Index and Store Research and Other Office Created Documents for Future Use*. Chicago: ABA Section of Economics of Law Practice, 1980. 80p.

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*Available at Hastings Law Library.

CHARLES A. RUMMEL

1905-1983

Charles A. Rummel '31, vice-president of the 1066 Foundation and governor of the Alumni Association, died on March 17. Charlie, as all his friends called him, served his alma mater with distinction. A member of the two governing boards since their formations, he was instrumental in coordinating fund raising campaigns and revising the organizations' bylaws. Charlie took special pride in being the permanent 1931 class secretary.

Charlie was named Alumnus of the Year by the Alumni Association in 1980 for his fifty years of meritorious service to Hastings and many civic organizations, and in recognition of his outstanding career as general counsel to the

California Farm Bureau and its affiliates. Charlie derived great pleasure from the practice of law. After retiring from the California Farm Bureau, he returned to private practice in 1969 and commuted daily to his office until the time of his death. When Charlie recently was asked what he would like to do if he could do anything; he stated "I would go to the office!"

Memorial services were held March 27 in Oakland. Charlie is survived by his wife, Jane, of Walnut Creek; two children and four grandchildren. A memorial fund in his honor has been established at Hastings College of the Law. ■

CLASSNOTES

1930s

HACKLEY, Roy C. Jr. '30 is mayor pro tem and councilman for the village of Pinehurst, N.C., and serves as president and chairman of the board of governors, Pinehurst Country Club.

HUBER, Milton L. '39 together with G. Edward **GOODWIN** '40 continue as partners in the firm of Huber & Goodwin, Eureka.

1940s

FRIENDLY, Melvyn C. '42 as chairman of the Citizens Political Action Committee, east Washington County, is working to obtain passage of County Serial Levy for the 1983-84 county budget. He is active on the governmental affairs and transportation committee, and serves as secretary of the Tualatin Hills Park & Recreation District budget committee.

MICHAELS, Rudolf H. '48 has retired as an administrative law judge and is active as an arbitrator and consultant in Sacramento.

LOW, Judge William T. '49 is the 1983 presiding judge, Superior Court, San Diego.

SPANOS, George G. '49 is pleased to announce that his daughter, **Evanthia SPANOS** '83 will graduate from Hastings this May.

1950s

BROWN, Willie L. '58, California Assembly Speaker, has been appointed director of the State Legislative Leaders Foundation, a Massachusetts-based service and research group. Brown was chosen from among dozens of state assembly and legislative leaders.

COYLE, Judge Robert E. '56 left the firm of McCormick, Barstow, Sheppard, Coyle & Wayte to become a U.S. District Court judge, Eastern District of California.

GEORGE, John D. '61, an Oakland attorney, was elected chairman of the Alameda County Board of Supervisors.

KESSLER, Herbert R. '55 has recently moved his law practice from San Francisco to San Bruno.

SCHABER, Gordon D. '52, dean at the University of Pacific's McGeorge School of Law, was the guest of honor at a gala affair held in commemoration of his 25 years of service to Sacramento, the legal profession and the McGeorge School of Law.

1960s

BAXTER, Marvin R. '66 a Fresno attorney, is California Governor George Deukmejian's appointments secretary, with authority that includes processing the selection of judges.

BENOUN, Jack '68 a Newark attorney, was recently installed as president of the Central Fremont Lion's Club.

BIGELOW, John B. '67 was appointed on January 1, 1983 to the position of deputy attorney general, State of New Mexico.

DuBOIS, Grant P. '61 a San Francisco attorney, was named president-elect of the International Association of Insurance Counsel at its 55th annual meeting held recently in West Virginia.

HERRINGTON, John S. '64 resigned as assistant secretary of the Navy, on February 19, 1983 to become special assistant to the chief of staff at the White House. President Reagan recently appointed Mr. Herrington director of presidential personnel. He and **Lois Haight HERRINGTON** '65 were honored at an alumni reception held in Washington, D.C. on March second.

GILMORE, John S. '61 reports that two of the four State Bar appointees to the California Continuing Education of the Bar Governing Committee are from the class of '61. Gilmore, as chairperson, is joined by classmate **Judge Steven J. STONE**, Ventura County Superior Court. He also notes that approximately ten percent of the '61 class are members of the American Board of Trial Advocates.

HINZ, Judge Edward A. Jr. '61 has been elected to a second 6-year term as judge, Superior Court, Los Angeles County.

KELLY, William '61 has become a partner in the firm of Miller, Starr & Regalia. He will continue to specialize in the practice of insolvency, business reorganizations and bankruptcy law, and will be resident in the San Francisco office.

LETTEAU, Judge Robert M. '67 was appointed to the judiciary (Superior Court of Los Angeles) and is assigned to the Northwest Judicial District, encompassing the San Fernando Valley. His primary areas of judicial responsibility are presiding over trials and settlement conferences.

MALORES, Ken '69 is the supervising assistant public defender in Sacramento, the criminal law editor for the county bar publication *The Docket*, and a Sacramento area coordinator for the Creative Initiative Foundation.

MARES, Milton H. '67 is specializing in labor law in both the public and private sectors with the San Francisco firm of Mares & Lazarus. The firm represents the City and County of San Francisco and the Golden Gate Bridge Highway and Transportation District.

McKINNEY, Russell R. '67 has been elected "Lawyer of the Year" by the Tulare County Trial Lawyers Association.

MORALES, J.A. (Tony) '64 is currently listed in *Who's Who in the West*, and *Who's Who in American Law*. He was also named "KABL" Citizen of the Day.

MUDD, William D. '69 was selected by the judges of the San Diego Municipal Court as commissioner. He took the bench on January 3, 1983.

NELDER, Wendy '64 is president of the San Francisco Board of Supervisors and president of Queen's Bench, a 500-member Bay Area organization comprised mostly of women lawyers and judges.

NUNEZ, Ralph '68 was appointed judge of the Fresno County Superior Court on January 2, 1983.

PRAY, Ralph M. III '67 continues with the firm of Gray, Cary, Ames & Frye, San Diego.

RICHMOND, William A. '68 was unopposed in election to a second term as Tulare County District Attorney. He has served on the faculty of the National College of District Attorneys, was elected to the California District Attorneys Association Board of Directors, and has been cross-designated as Special Assistant U.S. Attorney of the trial of matters in federal courts.

SANFORD, Peter L. '66 is practicing tax and business law in San Jose and Santa Cruz, is a certified tax specialist, and a CEB panelist. He has 3 children living in Santa Cruz who are working for nuclear disarmament.

SILEN, Capt. Stephan R. '67, an Air Force Reserve officer, has been decorated with the Meritorious Service Medal at Travis Air Force Base. The medal is awarded specifically for outstanding non-combat meritorious achievement or service to the United States. He is a communications electronics systems officer with the 349th military air wing.

SPALDING, Philip F. '62 is a partner in the firm of Cooley, Godward, Castro, Huddleson & Tatum, San Francisco, specializing in estate planning and probate practice.

TURRONE, Richard '65 has been appointed a Santa Clara County Municipal Court Commissioner. He is an active member of the Santa Clara County Juvenile Justice Commission and is chairman of the county bar association's Juvenile Law Executive Committee.

WAYLAND, Michael T. '68 separated from his former partnership and is now a sole practitioner limited to insurance defense and trial of referred cases in La Cañada.

1970s

ACUNA, Richard M. '74 is a partner in the Los Angeles firm of Vogt, Sanchez & Meadville, specializing in health law and related financial corporate and tax matters.

ANDELSON, Mike '71 is a partner in Erwin & Anderholt, Palm Desert, a 12 person firm and one of the largest desert-based law firms. The firm handles municipal law cases (city attorney to two cities), business, real estate, probate, personal injury, collection and general civil/criminal litigation.

AYOOB, Richard J. '78 has become associated with the firm of Ajalat & Polley, Los Angeles, specializing in state and local taxation.

BERGMAN, Alan R. '74 continues in private practice in San Francisco concentrating on civil appeals and motions, both state and federal, as well as most areas of administrative law and appeals.

BERLINER, Thomas M. '78 is a senior trial attorney for the City of San Francisco, handling civil cases ranging from fraud to hydropower licensing to construction contract disputes.

BERTRAND, Peter G. '79 currently with the firm of Buchalter, Nemer, Fields, Chrystie & Younger, San Francisco, is pleased to announce the birth of his son, Sean Gerald Bertrand, on November 5, 1982.

BIGGAR, Thomas W. '71 left the firm of Galatz, Earl & Biggar after seven years to open his own office in Las Vegas. He was elected to the board of governors of the Nevada Trial Lawyers in October, 1982.

BLAIR, Sandra I. '73 is the chair of the Family Law Section of the Bar Association of San Francisco. She continues to practice with Blair & LeGrand, San Francisco.

BLOIS, Marsden S. '78 has started his own practice in San Jose specializing in estate planning and administration.

BROWN, John M. '79 is a partner in his hometown firm of O'Lemon, Close, Shearer, Ehrlich & Brown, Booker, Texas and lives on the family ranch.

BUCHALTER, Daniel D. '78 has been in sole practice since September 1980, primarily in landlord-tenant law representing both landlords and tenants in San Francisco. He is currently working on a contribution to the forthcoming CEB book on that subject.

BURNS, Thomas M. '73 reports that he is "alive and well" in Las Vegas, Nevada.

CALFEE, Kent N. '75 is a partner in the firm of Calfee & Young, a professional corporation in Woodland.

CHAPMAN, Julie D. '74 is married to Robert Dickson and resides in St. Helena, where she is the executive director of Napa Valley Vintners. She is pleased to announce the birth of son Robert Douglas Dickson born January 1983.

CHARLES, David F. '78 has joined Continental American Management Corporation (ConAm) as assistant vice president and will serve as in-house legal counsel. ConAm manages approximately 10,000 apartments plus shopping centers and commercial buildings in nine states.

COOK, C. Randall '79 joined the litigation division of the legal department for the Pacific Lighting Corporation, Los Angeles, as a staff attorney. He recently completed 2½ years as a litigation attorney with the Los Angeles County Counsel's office.

CRANE, Stephen '72 a partner in the firm of Crane, Stamper, Boese & Dunham, Seattle, has three professional licenses now; attorney, real estate & securities. The firm has seven attorneys. A recent interesting case involves a class action challenge representing over 20,000 property owners against an assessment of \$71.4 million, for a ¼ billion dollar sewer project.

DEREVAN, Richard A. '74 is now in his fourth year on the State Bar Committee on the appellate courts; he is serving as chair of the committee until September 1983. He is associated with Wenke, Taylor, Evans & Ikola, Newport Beach.

DOBYNS, Tom '72 continues in sole practice in Orange, representing shopping center landlords. "Needless to say, the recession makes business brisk," reports Tom.

DONHOFF, John G. '79 continues as counsel to the State Senate Judiciary Committee in Sacramento. A position he has held for the past two years.

DORBIN, Frances '73 and husband Bill Stark (Harvard Law School '74) are pleased to announce the birth of their second son, Adam, born June 10 1982. Frances continues to be associated with the Office Legislative Counsel in Sacramento.

DUNWORTH, J.R. '73 reports that his law practice is restricted to one afternoon of legal assistance work each week at the Panama Canal Naval Station and an occasional consultation for the Office of General Counsel, Panama Canal Commission. He is presently employed as a Panama Canal pilot.

FARLEY, Suzanne '76 a San Francisco trial attorney, was appointed a federal arbitrator for the United States District Court, Northern District of California.

FOLINSKY, Stuart '75 is engaged in the practice of immigration law for fun and profit. He is married with one daughter, Anna 2½ years old; he and his wife are expecting a second child in July.

FORBES, Brian '74 is associated with the firm of Gray, Cary, Ames & Frye, La Jolla, where he is co-chairman of the firm's litigation department. The firm consists of 110 lawyers.

GLADSTONE, Leon J. '76 has become a partner in the firm of Berger, Kahn, Shafon & Moss, Los Angeles.

GOLDMAN, Ellen N. '73 and her husband, Tom Goodwin (UC Davis Ph.D. '82) are pleased to announce the birth of their first child, Emily Leah on October 5, 1982. Ellen is an attorney for the State Department of Mental Health.

GOODFRIED, Kenneth B. '71 has recently become of counsel to the law offices of Rubin & Rahe (S. Syd RAHE '68), Beverly Hills, specializing in civil and corporate litigation. He and his wife, Nancy, are pleased to announce the birth of their fourth "(and last)" child Lisa Anne.

HAAS, Eric '76 married Rosemary Riggio on June 12, 1982.

HARKNESS, Robert A. '75 is associated with the firm of Vaughan, Paul & Lyons, San Francisco.

HARWELL, John D. '78 has become associated with Memel, Jacobs, Pierno & Gersh, Century City. He specializes in anti-trust, securities and commodities litigation, and is "very depressed that the Federal Lounge has become a squid bar."

HAWLEY, Robert A. '78 is attending New York University obtaining a LL.M.

HAYASHIDA, Joel J. '79 is a patent attorney with Steve WESTBROOK '68 for the Clorox Company in Oakland, and volunteers with Nihonmachi Legal

partners with the firm of Foley, Machara, Judge, Choi, Nip & Okumura. Eric is with the Honolulu office and Jim is with the Maui office. The firm is engaged in the general practice of law.

KATZ, Patricia M. '79 is currently a tax attorney with Hewlett Packard in Palo Alto.

KANE, Stephen J. '76 married Brenda Nieves of Santa Barbara on October 16, 1982 and is currently associated with McCormick, Barstow, Sheppard, Wayte & Carruth, Fresno.

KIRKORIAN, Roy '70 has been named president of Contel Supply & Service, a nationwide supplier of telecommunications products. Previously he had held the posts of vice president - legal and secretary of Continental Telecom, Inc. He resides in Atlanta with his wife, Gayle, and two daughters.

KLINGER, Michael E. '73, formerly general counsel for Northern California Savings and Loan Association, is the chief financial officer and general counsel for Infomedia Corporation, San Bruno.

KOHN, Philip '79 is practicing public law with the firm of Rutan & Tucker, Costa Mesa, and was recently appointed city attorney for Laguna Beach.

LADAHERNE, Paul B. '72, Michael B. McGEEHON '77 and David E. MAULDIN '77 are partners with the firm of Sedgwick, Detert, Moran & Arnold, San Francisco.

LACARIAS, Peter C. '77 has formed a partnership with **James A. BARRINGER '77** and **Donald F. MOREY '73** under the firm name of Lagarias, Barringer & Morey. They are engaged in a general civil practice with offices in San Francisco.

LAIRD, James J. '70 opened a second law office in Martinez, while maintaining the Antioch office. He is a certified specialist in family law.

LAMBERT, Susan '76 is a partner with MacFarlane & Lambert, Pasadena.

LEE, Carol Mon '74 a vice president at American Trust Company, Hawaii, was named "Outstanding Woman Lawyer of the Year" in February by the Hawaii Women Lawyers Association.

LEBOVITZ, Paula C. '79 opened her own law firm in Santa Rosa, specializing in tax law.

LEMMON, John M. '79 has joined the general practice firm of Lemmon & Lemmon, in Sacramento. He and wife, Debbie, are the proud parents of two boys.

LITWIN, Edward R. '73 has been elected to the board of governors of the American Immigration Lawyers Association. He was the guest speaker at the 15th annual PLI Institute on Immigration and Naturalization and is the immediate past chairman of the Bar Association of San Francisco Immigration Committee. He continues in private practice in San Francisco.

College and is in her second year teaching probate in the paralegal program at Cal-State Hayward.

MICHELL, Georgia A. '79, Walnut Creek, is organizing a chapter of the Lawyers Committee on Nuclear Policy, Inc. and is attempting to halt, through litigation, nuclear proliferation.

MOBERLY, Jamoa A. '76 married Michael Caruso and traveled to the Greek Isles and Paris for a honeymoon. Jamoa is an associate with Schell & Delamer, Los Angeles, specializing in medical malpractice defense. She and Michael reside in Hollywood.

NICHOLS, James R. Jr., '77 has joined the five-year-old Santa Barbara law firm of Donnelly & Schlottman as an associate specializing in litigation.

ORNELLAS, Mark F. '74 joined the private firm of Diehl, Steinheimer, Riggio, Haydel & Mordaunt in Stockton, specializing in general business law. He was formerly a deputy county counsel for San Joaquin County.

PEARSON, John K. '73 has joined the Wichita, Kansas, firm of McDowell, Rice & Smith specializing in bankruptcy and commercial law. He formerly worked for the Justice Department.

PRICE, Michael B. '71 is a certified family law specialist with the Daly City firm of Hartley R. Appleton.

RANDALL, E. Broox '72 has been promoted to vice president/general counsel and secretary at Informatics General Corporation, Woodland Hills. He also serves as corporate secretary for the board of directors. Informatics develops and markets software products, professional services, and information processing systems and services.

RAVEL, Ann Miller '74 was appointed Acting County Counsel for the County of Santa Clara, and is expecting her second child.

ROBINSON, Victoria '77 is a co-partner in Marketing Evolution, a franchise consulting firm in Moraga.

RUBIN, Roger R. '71 continues to practice at his Noe Valley Law Office and is a judge pro tem for the San Francisco Municipal Court. He writes a gossip column for the *Noe Valley Voice*.

SCHIFF, Thomas X. '75 has joined the Investment Division of Grubb & Ellis Commercial Brokerage Group in San Diego. A licensed real estate broker, he previously was an assistant counsel with the U.S. Department of the Navy.

SHARE, Karen '75 is vice president and corporate counsel for Homeowners Do-It-Yourself Centers, Gardena.

SIBLEY, Peter E. '70 is a partner in the San Francisco firm of Washburn & Kemp, specializing in real property, construction and natural resource litigation.

SKINNER, Kathleen A. '75 continues as a registered patent attorney specializing in patents, trademarks, copyrights and other intellectual property matters with Bruce & McCoy, Oakland.

SMALL, Harold S. '70, was elected to serve as president of the board of directors for the future Children's Museum of San Diego. He is a certified public accountant and has taught courses in estate and tax planning at UCSD Extension for nine years.

SMITH, Craig A. '76, a deputy district attorney for the last six years, is the new legal research assistant for the Santa Barbara Superior Court. He married Beth Anne English in September and they reside in Santa Barbara.

SOLOMON, Michael T. '73 continues in private practice in Redway, Humboldt County. The office consists of himself, one paralegal and one associate attorney, "a typical rural practice" reports Michael.

STEINER, David P. '74 continues in private practice in Los Angeles. The firm has added Professor Robert Beaudry as "of counsel" in tax, securities and estate planning matters. The London office has relocated to Covent Garden, London.

STRATTON, Jane '78 has joined the firm of Crosby, Heafey, Roach & May in Oakland as an associate after two years with the Alameda County Superior Court as a research attorney. Her emphasis is tort litigation.

STOVALL, John '76 is a principal in the firm of Neumiller & Beardslee, and also a general counsel for the Stockton East Water District, and city attorney for the city of Hughson.

TEJADA, Christine Victoria '75, formerly in the law department of the Federal Reserve Bank of San Francisco, is involved with bank administration. She has been active as a docent with the San Francisco Museum of Modern Art for the past two years.

THORNTON, Barry '79 is an associate with the 30-member firm of Mullen & Filippi, San Francisco, concentrating on workers compensation defense.

VAN DER MEI, William G. '74 started his own practice in 1982. He specializes in business, business litigation and real estate law; and also teaches a course in corporate finance at the University of Pacific's McGeorge School of Law.

WASSER, Mark A. '73 has resigned his position as Madera County Counsel to accept a position with the Pacific Legal Foundation in Sacramento.

WATKINS, Howard K. '72 was elected chair of the Fresno Planning Commission for 1983.

WHITTEN, Kristian D. '73 was promoted to Senior Counsel, Bank of America and was elected vice president of the Hastings Alumni Association and secretary/treasurer of the Hastings 1066 Foundation.

BROWN, Tom '82 "has bought into the system - has a lovely wife, three glowing children, two dogs, a house in the suburbs, and a revolver ready to place at his temple at any given moment." He is associated with Wasburn & Kemp, San Francisco.

BUCHANAN, Kathy '82 finished her third year at Emory University Law School, worked in private practice for several Atlanta firms and was recently hired as an assistant district attorney for the Blue Ridge Judicial Circuit in Georgia.

CHOLAKIAN, Kevin K. '81 is an associate with the law firm of Littler, Mendelson, Fastif & Tichy, San Francisco. The firm specializes in labor litigation.

FRIEDMAN, Bill '82 is a legal recruiter for Purcell Employment Systems in Los Angeles. He has developed an extensive network of contacts with law firms/corporate legal departments and "will gladly assist alumni interested in changing positions".

HARTLEY, Susan Jenness '80 is an associate with the firm of Strote & Whitehouse, Beverly Hills, engaged primarily in civil litigation and entertainment law.

HERSHEY, James H. '81 reports that, after finishing his judicial clerkship for the U.S. District Court, he has accepted an associate position with the Honolulu firm of Carlsmith, Carlsmith, Wichman & Case.

ISER, Larry '80 and **Cindy WACHTER ISER '81** were recently married and reside in Sherman Oaks. Larry is practicing litigation with Overton, Lyman & Prince and Cindy is specializing in real estate with the firm of Rifkind & Sterling, Beverly Hills.

JOHNSON, Brian C. '80 recently concluded a judicial clerkship with Judge Stephanie Seymour of the U.S. Tenth Circuit Court of Appeals and has decided to practice in Salt Lake City rather than return to Gibson, Dunn & Crutches in California.

KOKALIS, Peter J. '82 is with the U.S. Court of Appeals, Sacramento, and resides in Applegate.

KUSHNER, Malcolm '80, together with two other comedy writers, has formed Golden Gate Writers, a San Francisco firm specializing in humor-consultation. Their client list includes the American Arbitration Association, presidential hopeful Senator Alan Cranston and Viacom Cablevision.

LIBERMAN, Eric '81 and **Jeremiah LEAHY '81** announce the formation of the Burlingame firm of Leahy & Liberman, specializing in personal injury and bad faith insurance litigation.

MARR, Christine '80 and **Joseph ARRIOLA '80** are practicing law under the firm name of Marr & Arriola, Hayward.

MULLERY, Michael '80 was appointed by the U.S. Catholic Conference to be the regional director of the San Francisco office. He specializes in immigration counsel and deportation defense, primarily for lower income people in northern California.

NOVOTNY, Ronald W. '81 was recently married to Heidi Elise Swinnerton in Berkeley. He is associated with the San Francisco firm of Thierman & Simpson, specializing in labor-management relations law in the construction industry.

PETERS, Daniel W. '81 is associated with the firm of Cavanaugh, Anderson & Westover, Phoenix, practicing corporate law.

RUNES, Paul '81 is associated with the firm of Clark & Trevithick, Los Angeles.

SAWYER, Curt '81 resigned from the Beverly Hills law firm of Ball, Hunt, Hart, Brown & Baerwitz and joined the San Francisco law firm of Jarvis, Miller, Brodsky & Baskin to practice personal injury, products liability and admiralty law.

SCHOENFELD, D. Michael '81 is an associate with the law firm of Monteleone & McCrory in Los Angeles, specializing in construction litigation.

SCHUG, Charles R. '81 is an associate with Tuckerman, Sussman, Rose & Kalish, San Francisco, specializing in business and tax law.

SILVER, Lori '80 is pleased to announce her marriage to classical musician James Wright, of Washington, D.C. She is an aide to Congressman John Rousselot.

SOLEY, Frederick G. '81 is engaged in a solo/general civil practice in Berkeley.

SPENCER, Gregory Scott '80 is practicing with Cotchett, Dyer & Illston, San Mateo, specializing in civil litigation.

STEWART, Julie '82 married Donald Rubenstein on December 22, in a civil ceremony performed by San Francisco Superior Court Judge Ira Brown, Jr., and was sworn into the Bar at the same time. Julie is the new San Francisco counsel to the Wine Institute where she will oversee legislation, political reporting and appeals on wine & ingredient labeling cases.

WILCOXSON, John G. III '80, one of eleven newly sworn deputy district attorneys, has been assigned to the San Bernardino Municipal Court.

ZIMMERMAN, Shelley '80 is a new tax associate with the firm of Reish & Davis, Beverly Hills.

San Francisco Chronicle Editorial
Supporting UC

As the State's deficit grows, the University of California gets deeper in financial trouble — not unlike other agencies of the state, to be sure, but still deeply worrisome.

Over the past decade there has been steady erosion in the base budget, Chancellor Ira Michael Heyman of the Berkeley campus testified to the Senate last month. Academic programs have been largely protected, but physical facilities are in "sad condition", he said.

Like other agencies of the state, the UC system would prefer to see its financial problem resolved through an increase of taxes. But the new governor, George Deukmejian, has just intimated that new taxes are not in the cards. The question is, what are some alternatives?

A rather notable task force report explores some of these. One recommendation is for stepped-up fund raising. This means going after the alumni, as well as corporations and philanthropic foundations for support. Another suggested source is increased student fees designated for specific

facilities. Assistant Vice President William B. Baker, head of budget analysis and planning, led the group, and their proposals will be reviewed by the UC Regents this month.

Intensified fund raising efforts have made considerable progress at UC Berkeley in recent years, also at UCLA, Santa Barbara and other campuses. Santa Barbara has embarked on a \$100 million campaign — roughly equalling its yearly budget. Clearly, individuals who have been educated by UC may appropriately be called upon to give back some of what they have derived, just as graduates of private schools are expected to do. The same responsibility falls on business and industry, which benefit so much from university research. Tax funds play their full share in supporting UC; voluntary giving should do more. And the Reagan federal tax cuts leave many people and corporations better able than before to support the public university.

January 4, 1983 ■

Outreach, a legal services organization in San Francisco's Japantown.

HEDGECOCK, Roger '71, San Diego county supervisor, and another candidate, led 18 other candidates in San Diego's special mayoral primary. Hedgecock faces the runoff election on May 3 as the Republican Party candidate.

HERLIHY, Judge John F. '74 was elected a San Jose Municipal Court Judge in November 1982. He previously had served as a court commissioner.

HETHERINGTON, J. George '78 has become a partner with the firm of Torkildson, Katz, Jossem & Loden, Honolulu.

HILLS, Wesley B. '71 was recently appointed an adjunct professor at the University of San Diego School of Law, teaching a seminar in trial techniques. He is a managing partner of the litigation department at Freshman, Mulvaney, Marantz, Comsky, Kahan & Deutsch. He was elected to the San Diego board of directors of the Hastings Alumni Association.

HINKLE, Thomas L. '71 has completed his year as president of the Ventura County Trial Lawyers Association and member of the board of directors, CTLA. He was awarded one of two "Chapter Presidents of the Year" awards at the 1982 convention of CTLA in Anaheim.

HODGMAN, William W. '78 has moved to Manhattan Beach.

JANIGAN, Bruce J. '75 is with the Office of General Counsel, US Agency for International Development, Department of State in Washington, D.C. The agency provides foreign assistance to Europe and the Near East.

JUDGE, James R. '73 and **Eric MAEHARA '73** are

LONGERBONE, Jon A. '79 continues with the firm of Kindel & Anderson, Los Angeles.

MANIWA, Kaz '75 and **Russell MATSUMOTO '78** have formed a partnership under the name of Maniwa & Matsumoto, in San Francisco's Japantown. Both graduates serve as directors on non-profit boards and are very active with community programs.

MARKLEY, William C. III '74 is vice president of law at Jacobs Engineering, Inc., Pasadena.

MAZIA, Judith A. '74 continues in private practice in San Francisco where she is plaintiffs' counsel in a \$1.375 million settlement of a sex discrimination class action suit against Bechtel. She is vice-chair of Queen's Bench Speakers Bureau and is a member of the Hastings Child Care Center Board of directors.

McMAHON, Robert '74 presented an oral argument in the California Supreme Court on January 14, 1983 (Bell vs. State Bar) where he argued for a bar applicant denied admission on constitutional grounds.

MILES, Donald F. '74 is a partner with the San Francisco firm of Rogers, Joseph, O'Donnell & Quinn and is an adjunct professor at Hastings teaching trial advocacy. He co-authored "Demonstrative & Documentary Evidence" which will appear in CEB: *Civil Procedure During Trial*. He appeared in January as a CEB panelist focusing on essentials of personal injury litigation.

MILLS, Thomas C.H. '76 was appointed to the planning Commission of Santa Fe, New Mexico in September 1982.

McLAUGHLIN, Madeline G. '71 is a certified family law specialist and instructor. For the past five years she has been in the paralegal program at St. Mary's

1980s

AKIBA, Lorraine H. '81 earned the status of Diplomate of the Court Practice Institute during the Trial Advocacy Seminar held during December in Chicago.

BALLOU, Janet '81 is an associate with the law firm of Desmond, Miller, Desmond & Bartholomew in Sacramento and is practicing business litigation and land use regulation.

BAULD, William A. '81 is associated with the San Mateo law firm of Douglas McGlashan.

BARCLAY, Fritz '81 is an associate with the firm of Thornton, Taylor & Downs, San Francisco.

BOLTON, Dan '82 is with the law firm of Hersh & Hersh, San Francisco, specializing in products liability, medical malpractice and DES litigation.

IN MEMORIAM

ELKINS, Harold, H. '33 died December 3 in San Francisco.

FREED, Bernard M. '41 died during October in Beverly Hills.

FREMBLING, Fremond H. '31 died August 14 in San Leandro.

GEBALLE, Oscar '12 died October 25, 1981 in San Francisco.

JEFFREY, Bradford J. '52 died December 26 in Stockton.

LEAHY, Marshall E. '34 died January 3 in San Francisco.

MCCARTNEY, Robert T. '50 died March 30 in Fresno.

McDERMOTT, Hon. James C. '36 died May 26 in Woodland.

MIROYAN, Vartkes '55 died April 28 in San Jose.

PENDERGRASS, Phillip P. '63 died October 27 in Modesto.

PERACCA, Hon Alfred P. '35 died December 2 in Pasadena.

PULLEN, Frances H. '35 died February 15 in Walnut Creek.

RUMMEL, Charles A. '31 died March 17 in Walnut Creek.

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The
65 CLUB

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*"We declare we will never retire
until we lose our pep & fire."*